

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 20] NEW DELHI, SATURDAY, MAY 19, 1962/VAISAKHA 29, 1884

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 8th May, 1962:—

Issue No.	No & Date	Issued by	Subject
195	S.O. 1367, dated 4th May, 1962.	Ministry of Information & Broadcasting.	Approval of film specified therein.
196	S.O. 1368/15 IORA/2/62, dated 4th May, 1962.	Ministry of Commerce & Industry.	Appointment of the body of the persons for making a full and complete investigation into the affairs and circumstances of the undertaking specified therein.
197	S.O. 1369, dated 7th May, 1962.	Ministry of Information & Broadcasting.	Approval of film specified therein.
198	S.O. 1370, dated 7th May, 1962.	Central Board of Revenue	Corrigenda to S.O. 955, dated 26th March, 1962, published on pages 559 to 586 in Part II—Section 3(ii) of the Gazette of India Extraordinary, dated the 27th March, 1962.
199	S.O. 1371, dated 7th May, 1962	Do	Corrigenda to S.O. 969, dated the 26th March, 1962, published on pages 605 to 755 in Part II—Section 3(ii) of the Gazette of India Extraordinary dated the 31st March, 1962.
200	S.O. 1372, dated 8th May, 1962.	Ministry of Law.	Declaration containing the name of the person elected to the office of Vice-President of India, is published for general information.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 30th April 1962

S.O. 1460.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 208 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Hariraj Singh, son of Shri Khazan Singh, Village Rasna, Pargana, Tehsil and District Meerut, U.P. calling in question the election to the House of the People from the Meerut constituency of that House of Shri Shah Nawaz Khan, son of Shri Tikka Khan, 4, Rafi Marg, New Delhi.

Sd./- HARIRAJ SINGH,
Attested.

Sd./- K. K. SETHI,
Under Secretary,
12-4-62,
Election Commission, India

Presented to me by Shri Hariraj Singh whose signature has been obtained in the margin and attested as having been signed before me this the twelfth day of April One Thousand Nine Hundred and Sixty two.

Sd./- K. K. SETHI,
12-4-62,
Under Secretary,
Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA, DELHI**ELECTION PETITION NO. 208 OF 1962**

Hariraj Singh, son of Shri Khazan Singh, resident of Village Rasna, Pargana, Tehsil and District Meerut, U.P.—*Petitioner.*

Versus

1. Shri Shah Nawaz Khan son of Shri Tikka Khan, r/o 4. Rafi Marg, New Delhi.
2. Shri Maharaj Singh Bharti s/o Shri Nidhram, resident of Village Arnavli, Pargana, Tehsil and District Meerut—*Respondents.*

Election Petition under Section 80 and 81 of Representation of Peoples Act, 1951, with respect to the Election of 81 Meerut Lok Sabha Constituency.

The Petitioner above-named states as follows:—

1. That the petitioner is an elector of 81 Meerut Lok Sabha Constituency. His name is included in the electoral roll of 404 Meerut Cantt. Assembly Constituency in Village Rasna with elector No. 1524.

2. That the election of the above-said 81 Meerut Lok Sabha Constituency was held on 21-2-62 and 23-2-62. On 21-2-62 polling took place in Meerut Cantt., Meerut Rural and Kithore Assembly Constituencies while Meerut City and Hastinapur went to poll on 23-2-62. All the above-said five Assembly Constituencies constitute 81 Meerut Lok Sabha Constituency.

3. That respondent No. 1 and 2 and Shri Shiv Datt Singh and Shri Ratish Mohan Aggarwal were the contesting candidates in the above-said election for the above-said Lok Sabha Constituency.

4. That respondent No. 1 and 2 were the chief contesting candidates. Although according to Section 82 of Representation of Peoples Act of 1951 only respondent No. 1 is the necessary party, respondent No. 2 has been made a proforma respondent simply by way of convenience.

5. That the result of the above-said election was declared on 28-2-62 by the Returning Officer whereby respondent No. 1 was declared to be elected.

6. That according to the declaration the analysis of the votes polled is as follows:—

1. Shri Shah Nawaz Khan—1,33,172
2. Shri Maharaj Singh Bharti—88,017
3. Shri Shiv Dutt Singh—25,531
4. Shri Ratish Mohan Aggarwal—8,004
- Invalid Votes—10,047
- Tendered Votes—66

7. That respondent No. 1 was a candidate from Indian National Congress Party while respondent No. 2 was a candidate from the Socialist Party of India.

8. That respondent No. 1 was bracketted with Shri Jagdish Sharan Rastogi, Shrimati Prakashwati Sood, Hari Singh, Kumari Sharadha Devi, and Shri Pitam Singh Pradhan from Meerut City, Meerut Cantt., Meerut Rural, Kithore and Hastinapur Assembly Constituencies respectively. All the above-said candidates fought the election from the Congress Ticket.

9. That the returned candidate respondent No. 1 committed the corrupt practice as defined in Section 123(3) of the Representation of Peoples Act, 1951 through his workers, supporters and agents. The respondent No. 1 appealed personally and through his agents, workers and supporters with his consent to vote for him and refrain from voting for respondent No. 2 on the ground of his religion, race and caste for furtherance of prospects of election of respondent No. 1 and for prejudicially affecting the election of respondent No. 2.

10. That respondent No. 1 through his agents, supporters and workers acting with his consent attempted to promote feelings of enmity and hatred between different classes of citizens of India for the furtherance of the prospects of his election and for prejudicially affecting the election of respondent No. 2.

11. That the workers and supporters of respondent No. 1 with his consent published statements of facts which were false and which respondent No. 1 believed to be false or at least did not believe to be true in relation to the personal character and conduct of respondent No. 2 to prejudice the prospects of election of respondent No. 2.

12. That the corrupt practices enumerated in paras 9 and 10 above were mostly simultaneously committed and in the same way corrupt practice as enumerated in para 11 above was also mostly committed together with the corrupt practices enumerated in paras 9 and 10 above and hence important relevant particulars of all the above three corrupt practices in so far as they have been known and have come to the knowledge of the petitioner uptill now with reference to the time and place and mode of their commission are given below:—

12. (a) That Shri Mam Chand and Shri Subhas Agarwal who were Editors and Sub-Editors respectively of a local Daily Newspaper 'Mairashtra' published in the said paper of the 18th February 1962 an article by one Shri Makrand with the caption 'Maharaj Singh Bharti Hindu Nahin Mahmood Ghaznavi Hai'. This article published in Mairashtra is attached with the petition as Annexure* 'A' and forms part of the petition itself. This article contained nothing else but an appeal to the voters not to vote for Shri Maharaj Singh Bharti on account of religion, caste and race and tended to promote feelings of hatred and enmity between different classes of citizens on grounds of religion, caste and race. Shri Mam Chand and Shri Subhas Agarwal are friends of Shri Shah Nawaz Khan. They actively supported Shri Shah Nawaz Khan in the above-said election. Meetings of workers supporting respondent No. 1 in the election were held at the house of the above-said Shri Mam Chand who was an important organiser of the election campaign of respondent No. 1 and an important personality in the Congress organisation of Meerut. Shri Mam Chand canvassed vigorously for the respondent No. 1 and other Congress candidates personally and through his paper and attended workers and public meetings in connection with the election. He was also a Polling Agent of Shri Jagdish Sharan Rastogi, the Assembly candidate of Congress in Meerut City Constituency. The article in fact was published with the consent of respondent No. 1.

12. (b) That the above-said issue of Mairashtra besides the above-said article of Shri Makrand contained false and defamatory statements regarding Shri Maharaj Singh Bharti, respondent No. 2 on its front page. In fact the front page

of the above said Mairashtra contained nothing else but false and defamatory statements regarding respondent No. 2. The contents of the first page of this issue of Mairashtra are given in Annexure* 'B' which forms part of the petition itself.

12. (c) That the above-said issue of Mairashtra was distributed in large number in a procession of Congress in Sadar and Lalkurti, Meerut, on the 18th February, 1962. In this procession respondent No. 1 and Shri Mam Chand both participated. This issue was also distributed *inter alia* in the various Hindu Mohallas of the Meerut City and Cantt. by Congress workers and supporters of respondent No. 1.

12. (d) That the article of Shri Markand and front page of above-said Mairashtra was read in meetings held on 18th February 1962 in Kankerkhara, Lalkurti and Topkhana Meerut. In meetings at Lalkurti and Topkhana, respondent No. 1 himself was present and he also made an open reference of the front page of the above-said Mairashtra in relation to the personal character of respondent No. 2 knowing and believing fully well that the statements made on the front page of of the above-said issue of Mairashtra were false and frivolous.

12. (e) That respondent No. 1 through his agents and supporters got the first page of the above-said Daily Mairashtra with some other matter regarding respondent No. 2 reprinted in large number on 19th February 1962. The contents of the reprints are attached herewith as *Annexure C and form part of the petition itself. The original issue of Mairashtra and the reprints were issued as pamphlets by the respondent No. 1. He got the above-said reprints and the original issue of the above-said Mairashtra distributed in various villages of the Constituency, in Merrut City and Merrut Cantt., besides the meetings and processions mentioned above through his supporters, Congress workers and agents etc. A brief statement and particulars of some of the villages where the respondent No. 1 got the above-said pamphlet or reprint distributed either singly or with the original issue of the 18th February 1962 distributed are given in Schedule 'A' which also forms part of the petition itself.

12. (f) That the above said reprints contained nothing else but false and defamatory statement regarding respondent No. 2 in relation to his personal character and was an election pamphlet of respondent No. 1 in the garb of special issues of Daily Mairashtra. The above-said reprints were published and propagated with the full knowledge and belief that the above statements were false and at any rate not true. All this was done with a view to prejudice the election prospects of respondent No. 2.

12. (g) That the above-said reprints were distributed in the procession of Congress in large numbers on 20th February 1962 in Merrut City. In this procession also respondent No. 1 personally participated.

12. (h) That the reprints were distributed in the election meeting of Congress in Meerut City on 21st February 1962 in Gujri Bazar and other places by the supporters of respondent No. 1 Respondent No. 1 himself participated in these meetings.

12. (i) That the respondent No. 1 on 23rd February 1962 when polling was going on in Merrut City went to the Jama Masjid, Meerut, and there he appealed to the Muslim brotherhood to vote for him on grounds of religion. He also reminded the Muslim brotherhood of Meerut of the atrocities committed by the other communities during the recent communal riots with special reference to the damages suffered by the mosques at Meerut. Shri Shah Nawaz Khan, respondent No. 1 also offered to pay a substantial sum of Rs. 2,200 to the management of Jama Masjid for the loss, destruction and damage done to the Jama Masjid in the recent communal riots.

12. (j) That on the night of 21st February 1962, respondent No. 1 in a Congress car, got a false and defamatory announcement through persons of the Jatav community. It was announced from the Congress election vehicle of respondent No. 1 that respondent No. 2 is a Jat and his community people have beaten members of the Jatav Community and therefore the whole of Jatav community should vote against Shri Maharaj Singh Bharti, who is a Jat. The above-said announcement, besides making appeal on the grounds of caste promoted feelings of enmity and hatred between different classes of people on the basis of the caste.

13. That respondent No. 1 committed the corrupt practice of bribery as defined in Section 123(1) of the Representation of Peoples Act, 1951. Some of the particulars of some of the instances of the corrupt practice in so far as they have been known and have come to the knowledge of the petitioner up till now are given below: -

13. (a) That one Shri Khan Bahadur Mohammad Aijaz Hussain who is a very prominent citizen of Meerut City, he wielded a very great influence among the Muslims and the opposition to Congress in the Constituency. He fought the previous elections against the Congress and organised the opposition ranks against Congress in Meerut Municipal Board and elsewhere. Khan Bahadur Mohammad Aijaz Hussain was a prospective candidate against Congress in the General Elections in question. Khan Bahadur Mohammad Aijaz Hussain was, therefore, promised by Congress hierarchy with the consent of respondent No. 1 and Shri Jagdish Sharan Rastogi the Assembly counterpart of Respondent No. 1 a seat in the U.P. Legislative Council from the Assembly Constituency and a sumptuous loan and grant from the Government with the object of inducing him not to stand in the general elections against the Congress and vote and induce others under his influence to vote for respondent No. 1 and other Congress candidates of the Assembly Constituencies. As a result of the above promise and inducement Shri Aijaz Hussain who was a rank opponent of Congress in the previous elections voted and supported respondent No. 1 and Congress candidates vehemently in the present elections. Besides this people were induced by permits, licences and promise of employment for the support of respondent No. 1.

13. (b) That the Congress Government in U.P. with the consent of respondent No. 1 and other Congress candidates deferred the selection of Panches of Nyaya Panchayats of different villages of the District. Respondent No. 1 and his supporters of Congress in the District induced Shri Ghazi Ram of Village Dabka, Rajpur of V. Pooth, Shiv Datt Shastri of V. Machhra, Raj Singh of V. Kurali, Imtiyaz Ali of V. Murlipur and numerous other aspiring candidates for the office of Panches to vote and support the Congress candidate in the election in consideration of promises for getting them selected Panches by the Selection Body. These persons as a result of the above-said promises voted and supported respondent No. 1 and other Congress Candidates.

14. That respondent No. 1 procured the services and assistance for getting a vast number of votes under his influence for the furtherance of the prospects of his election of Shri Laxmi Narain. Shri Laxmi Narain was and is working as Sarpanch of the Nyaya Panchayat Arnawli. The above act of respondent No. 1 comes within the corrupt practice as defined in Section 123(7) of Representation of Peoples Act, 1951.

15. That Shri Shah Nawaz Khan, his agents and supporters with his consent hired numerous Rickshaws in Meerut City and Cantonment for bringing the voters from their houses to the polling booths. Besides this, respondent No. 1, his agents and supporters with his consent procured numerous cars from contractors and friends of Delhi for the above-said purpose. In some villages respondent No. 1 procured very many tractors and other vehicles for the conveyance of the electors to and from the polling stations. These acts of respondent No. 1 come within the definition of corrupt practices as defined in Section 123(5) of Representation of Peoples Act, 1951.

16. That the petitioner has deposited Rs. 2,000 with the Reserve Bank of India, New Delhi, vide Chalan No. 171375 dated 11th April, 1962 attached herewith.

The Petitioner, therefore, prays for the following reliefs through the process prescribed by law:—

- (i) That the election of respondent No. 1 from the 81 Meerut Lok Sabha Constituency be declared null and void.
- (ii) That the petitioner be awarded costs of petition against respondent No. 1.
- (iii) Any other relief which the Election Commission deems fit, may be granted against the respondents.

VERIFICATION.

I, Hari Raj Singh, Petitioner do hereby verify that contents of Paras 1 to 8, 12, 12(a), 12(b), 12(i), 12(g), 12(h), 12(j) and 16, are true to my knowledge and those of paras 12(c), 12(d), 12(e), 12(i), 13, 13(a), 13(b), 14 and 15 are true to my information from reliable persons and record, which I believe to be true, and those Paras 9, 10 and 11 are true to my knowledge and information both, they being factual and legal inferences of the facts stated in succeeding paras.

Verified at Meerut, this 10th day of April, 1962.

HARI RAJ SINGH, Petitioner,
10-4-62
Through

Attested True Copy.
HARI RAJ SINGH, 10-4-62

Sd./- GYANANDRA KUMAR JAIN,
Advocate, Meerut.

SCHEDULE 'A'

Places where issues of 18th February 1962 of Maharashtra or the reprints or both were distributed by respondent No. 1 through his agents, supporters and Congress workers with the help *inter alia* of Congress party and respondent No. 1's election machinery.

Meerut Cantt., Assembly Constituency.

Villages.

1. Ghasoli.
2. Pooth Khas
3. Raana.
4. Narangpur.
5. Arnavli.
6. Murlipur.
7. Bholi.
8. Lakhwaya.
9. Majra.
10. Sobhapur
11. Lahorgarh.
12. Kaithwari.
13. Doongar.
14. Bhadora.
15. Dabka.
16. Chindori.
17. Jatpura.
18. Roha.
19. Dalampur.
20. Rasulpur.
21. Jangethi.
22. Jinjokar.
23. Kanoni.
24. Kalyanpur.
25. Dhadra.
26. Mandhi
27. Azampur.

Kithore Constituency:

1. Meghrajpur.
2. Fatehour Narayan.
3. Sadullapur.
4. Bhindoli.
5. Asafabad.
6. Khatki.
7. Qilla Parichitgarh.
8. Machhra.
9. Nangla Gola.
10. Jainipur.
11. Bhatipura.
12. Chitwana.
13. Paswara.

14. Rasanpur.
15. Poothi.

Hastinapur Constituency:

1. Bhaisa.
2. Tigri.
3. Niloha.
4. Moor Sadarpur.
5. Meva Kataura.
6. Mawana.
7. Bchsuma.
8. Gadina.
9. Kunda Pinai.
10. Assa.
11. Naidu.
12. Nangla.
13. Raphan.
14. Sandhan.

Meerut Rural Constituency:

1. Kurali.
2. Nagla Jamalpur.
3. Puthri.
4. Gagol.
5. Phaphunda.
6. Naurangabad.
7. Mau Khas.
8. Sisoli.
9. Buxar.
10. Kinnagar.
11. Zahidpur.
12. Gagol.
13. Mehpa.
14. Raghunathpur.
15. Kalanjiri.
16. Raphar.
17. Jani.
18. Timukia.
19. Nek.
20. Chobla.
21. Khanpur.
22. Lodha.
23. Manu.
24. Pisori.
25. Panch Gaon.
26. Pastra.
27. Muzakkipur.
28. Chajjupur.
29. Aghera.
30. Goon.
31. Dhandala.
32. Mohiuddinpur.
33. Mehroli.
34. Partapur.
35. Rajpura.
36. Bhoorpur.
37. Ashera.
38. Seorka.
39. Alipora.
40. Laliana.

I, Hari Raj Singh do hereby verify that the contents of the above Schedule A are true to my knowledge based on reliable information which I believe to be true.

Sd./- HARI RAJ SINGH,

10-4-62.

Attested True Copy.

New Delhi, the 2nd May 1962

S.O. 1461.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE.

Name of contesting candidate	Name of constituency
1	2
Shri Jokhan Ram, Mohalla Satyanaganj, Bazar Ahraura, Post Ahraura, District Mirzapur.	Robertsganj.

[No. UP-HP/54/62(16)/34894.]

S.O. 1462.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of People from the constituency specified in the corresponding entry in column 2, thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on expiration of two months from the date of the said decision.

SCHEDULE.

Name of contesting candidate	Name of constituency
1	2
Shri Ram Sakal, Village Lachmanpura, P.O. Barahanl, District Varanasi, Uttar Pradesh,	Mirzapur.

[No. UP-HP/55/62(15)/34893.]

S.O. 1463.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ganga Sahai, Village Kandoli, P.O. Jhijharka, Tahsil Atrauli, District Aligarh.	Hathras.

[No. UP-HP/76/62(H)38097.]

New Delhi, the 3rd May 1962

S.O. 1464.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Pratap Singh, Village Naugaon, Patti, Malla, Rithagarh, P.O. Kanarichhina, District Almora.	Almora.

[No. UP-HP/3/62(14)/39299.]

New Delhi, the 6th May 1962

S.O. 1465.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951 the Election Commission hereby publishes a copy of the Election Petition No. 233 of 1962, presented to the Commission on the 12th April 1962, under section 81 of the said Act, by Shri Randhir Singh son of Shri Chandgi Ram, Advocate, Sonapat, calling in question the election to the House of the People from the Rohtak constituency of that House of Shri Lehri Singh, Advocate, Rohtak.

Sd./- K. K. SETHI, Under Secy.

12-4-62.

THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 233 OF 1962.

Randhir Singh son of Shri Chandgi Ram, Advocate, Sonapat (Petitioner).

Versus

Shri Lehri Singh, Advocate, Rohtak.
Shri Laxmi Narain, Trivaskis Mandi, Sonapat.
Shri Laxman Singh, Chhotu Ram Bhawan, Rohtak.
Shri Sarup Singh, B.A.L.L.B., Pleader, Gohana.
Shri Karan Singh Malik, Village Bhigan, Tehsil Sonapat.
Shri Phool Singh, Village Nidana, Tehsil Gohana.—*Respondents.*

Election petition under section 81 of R. P. Act, 1951 (No. XLIII of 1951) and the rules made thereunder calling in question the election of Shri Lehri Singh—Respondent.

Sir,

The humble petition of the aforesaid petitioner most respectfully sheweth as follows:—

1. That the petitioner and the respondents were duly nominated and contesting candidates for Rohtak Constituency of the House of the People in the Election held in February 1962.

2. That the polling in this Parliamentary Constituency took place on February 24th 1962. Votes were counted on 26th and 27th February 1962. Respondent Shri Lehri Singh was declared duly elected on February 27th, 1962 and a declaration to that effect has been published in the Government of India Gazette Extraordinary dated March Third, 1962.

3. That the petitioner has deposited Rupees 2000/- (Rupees Two Thousand only) in Government Treasury, Rohtak in favour of Secretary to the Election Commission of India, New Delhi as security for the cost of petition under section 117 of the R.P. Act 1951 and the treasury receipt for the same is attached herewith. Eight copies of the petition, 8 copies of the annexures with verifications and an affidavit of corrupt practices duly attested by an Oath Commissioner are also enclosed with the petition.

4. That the respondent Shri Lehri Singh submitted the Election Return of election expenses on 28th March, 1962 and the notice thereof under rule 132 of the R.P. (Conduct of Election and Election Petition) Rules, 1956 has been given by the Returning Officer.

5. That the election of Shri Lehri Singh was induced and procured by undue influence and the result of the election was materially affected by corrupt practices mentioned herein committed by Shri Lehri Singh, Respondent, his agents and other persons with their consent and on the instigation of this Respondent and his agents:—

(a) Shri Laxman Singh respondent having been duly nominated was a contesting candidate for Parliament Election from Rohtak Constituency. In order to further the prospects of his election Shri Lehri Singh committed the major corrupt practice of inducing Shri Laxman Singh to withdraw from contest after paying him Rs. 2000/- (Rupees Two Thousand only) as illegal gratification on 29th February, 1962 at Chhotu Ram Bhawan, Civil Lines, Rohtak (House of Shri Lachhman Singh) in the presence of Shri Chand Ram jat of Garhi Bohar, Shri Jagat Singh jat of village Bhagwati Pur, Shri Jugti Ram jat of village Harsana Kalan, all supporters of Shri Lehri Singh.

(b) That Shri Lehri Singh respondent offered as gratification and reward, his all-out help in money, transport, publicity and propaganda and votes of his influence in "GATHIWALA" sub-caste and in other villages of Gohana and Sonepat Tehsils to Shri Sarup Singh, pleader, respondent who was simultaneously a contesting candidate from both Gohana Assembly Constituency and Rohtak Parliamentary Constituency; the condition of this gratification and reward being Shri Sarup Singh's withdrawal from contest from the Rohtak Parliamentary Seat. As a result of this gratification and reward Shri Sarup Singh respondent withdrew his nomination from Rohtak Parliamentary constituency and contested election from Gohana Assembly constituency after Shri Lehri Singh respondent had paid him Rupees Five Thousand for transport, publicity, propaganda on 28th January 1962 at Rohtak in the presence of Shri Nandu Ram, Teacher, Jat Higher Secondary School, Rohtak, Shri Dhajla Ram, B.A.B.T., Teacher, C.R.Z. High School, Sonepat, Shri Sher Singh B.A., B.Ed., Teacher, Janta Higher Secondary School, Butana at 6.00 P.M. at the residence of Shri Nandu Ram, Teacher.

(c) Shri Lehri Singh respondent induced Shri Phool Singh to contest and stand for Parliament Election from Rohtak Parliamentary Constituency as a Backward Class Candidate to further prospects of his election by dividing votes of the Backward classes and made a gift of one transport vehicle No. DLF 6615 belonging to Shri Risal Singh of Karala (Delhi State) as illegal gratification to meet his election expenses in a malafide manner. By this corrupt practice Shri Lehri Singh was able to divert a large section of Backward class congress votes to Shri Phool Singh who styled himself as a candidate of the Backward classes.

6. (a) That Shri Lahri Singh in order to further prospects of his election and with the object directly or indirectly of interfering with the free exercise of electoral rights of the electorate at large committed the major corrupt practices of making an appeal on the basis of religion, caste, race and community. Rohtak Parliamentary Constituency being a predominantly Hindu electorates constituency, Shri Lahri Singh excited the religious sentiments of the Hindu electorates by dubbing and condemning the Punjab Congress regime as a rule of Sikh Religion where the rights, interests, privileges and the life of Hindus and the Hindi Region People were not safe and further where Gurmukhi was imposed on the Hindus to convert them into Sikhism. He denounced congress regime under Sardar Partap Singh Kairon, the Chief Minister of Punjab as a sikh regime to obliterate Hinduism and to vote Congress is to establish rule of Sikh Religion in Punjab. He got published several posters as such, one of them being (Punjab Congress Sarkar Ka Haryana Prant Ke Sath Sotili Man Kasa salook). This poster in Hindi Annexure* 'X' its author Ch. Lahri Singh himself. The name of the publisher and the printers appears to have been left unprinted intentionally to escape clutches of law. Portion 'A' to 'A' of annexure X reads as follows:—

"Yadpi sayam sarkar hi tumam rajya ke ek sikh Rajya Ban chuki Hai aur hindi kshetra ki pukar to Pt. Sri Ram Sharma, Ch. Siri Chand, Prof. Sher Singh, Ch. Devi Lal, Rao Birender Singh ityadi ke rajnitik adhar se door karke gunge pah lawanen ke bharti kar rahai hain take anewale panch saloon men Sikh rajya ki banawat pura kar diya jaye. Gurmukhi lipi jabardasti Haryana prant ke balkoon per thonsi ja rahi hai ta keh yeh Sikhon ke adheen ho jai. Ayse disa man Haryana niwasion ka kartavaya hai ke congress ke banawati jhanson man neh awe aur congress ke dawara tuman Punjab ke ek Sikh Raj ban ne se bachae".

This is an appeal to the religious sentiments of the innocent electorate, major section of them being illiterate. With the corrupt intention of giving the wrong impression that there is purely a Sikh raj in Punjab most arbitrary and despotic and oppressive in character whereas in Punjab we have a most secular and democratic set up manned so popular representatives of all religions in the Punjab Ministry. This is a cheap device to defraud, prejudice and misguide the overwhelming Hindu majority constituency voters by an appeal to religion and by a slogan "Religion in danger" which constitutes major corrupt practice committed by Shri Lahri Singh. He alongwith his agents and supporters Sarvshri Surat Singh alias Sartus Sarpanch Village Joli, Zaildar Raghbir Singh of Katwara, Shri Sarju of Nidana, Sh. Jage Ram of Nidana, Sh. Net Ram of Nooran Khera, Sh. Zile Singh Sarpanch of Hohla, Sh. Phool Singh of Gharwal Chhattar Singh member Panchayat of Baroda, Laxman ex-sarpanch of Butana, Sh. Harnarain of Bichpari Faqir of Khandrai, Chhattar Sarpanch of Gangana, Ram Chand Sarpanch Bavan Pur, Ram Saroop Ex-Sarpanch of Harsana, Moola of Guhna, Abhe Ram Panch Bhanswal, Dharam Vir Sarpanch Bidhal Raghunath Sarpanch of Purkhas, Siri Chand of Gumar, Pirthi Singh of Kalana, Thakedar Raje Ram of Kalana, Bhim Singh Lambardar Sardhana, Dava of Bali, Balwant Sarpanch of Makroli, Surat Singh of Behar, Sh. Darvao Singh of Karentha, Maghan, of Gaddi Kheri, Ram Singh of Lahrara, Mange Ram of Kukroi (S/o of Harphul), Hazari, Singh of Jawabri, Sahab Dass of Barwasani, Balraj of Julana, Birbal Thakedar of Sheikhpura, Sis Ram Ex-sarpanch Bhatgaon, Surajmal Sarpanch Kheri Dehiva, Dharam Singh of Bhetgaon, Surajmal of Gamri, Badloo Sarpanch Jagsi, Chander Sarpanch of Anchera distributed this poster alongwith other posters in every village and city of the Rohtak Parliamentary constituency and particularly in the villages and towns of more than 1000 votes each. Shri Lahri Singh held public meetings between 1st January 1962 and 23rd February 1962 in about 150 big villages all towns and cities where Shri Lahri Singh himself distributed these posters in the meetings and in his round the village tours.

(b) At villages Purkhas, Chulkana, Khubru, Panchi Jatan, Mahra, Juan, Sheikhpura, Ahulana, Gansur, Malikpur, Jain Pur, Tikola, Bega, Datoli, Pipli, Khera, Larasauli, Murthal, Kurar, Bayanpur, Harsana, Lahrara, Rohot Kakroi, Bhadana, Bhatgaon, Mahana, Barwasani, Pinana, Guhna, Mohana, Tihar, Salim-sarmajra Chitana, Garhi Rajloo, Saragthal, in Sonapat Tehsil and in Sonapat Town Shri Lahri Singh being a Jansangh candidate and supported by Haryana Lok Samiti hoisted Bhagwa flag with 'OM' religious symbol in the middle, official flag of the Haryana Lok Samiti and also Bhagwa Flag of Jan Sangh on his stage and made special appeals for votes in his favour in the name of these religious symbols. This 'OM KA JHANDA' of the Haryana Lok Samiti and Bhagwa

Jhanda of the Jan Sangh, as religious flags touched the religious sentiments of the electorates deeply on appeal to these religious symbols by Sh. Lahri Singh. Haryana Lok Samiti and Jan Sangh both thrive entirely on religion caste and racial appeals. This 'OM KA JHANDA' Ch. Lahri Singh got fixed on the bonnet of his car and on the transport of his agents and supporters. This display of 'OM' flag by Shri Lahri Singh and his agents and supporters on the stage and on their transport throughout the length and breadth of the Rohtak Parliamentary constituency constituted a major corrupt practice by Shri Lahri Singh and his agents and supporters with his consent. These villages and town meetings were addressed by Shri Lahri Singh between 1st of January 1962 and 23rd February 1962, not continuously but with frequent visits by him in other parts of the constituency as were for public meetings and canvassings.

(c) That Shri Lahri Singh in order to further the prospects of his election committed another corrupt practice by making an appeal to the electorate on the basis of race, caste, community and religion. He got another poster published under caption "Kairon Shahi Ka Haryana ke Sath Atiyachar" of which he himself is the author. The urdu print of this poster is annexure* 'Y' where the publisher and printer's name is printed as Vashisht Press Rohtak. This poster's Hindi print is annexure 'Z' wherein the publishers and the Printers name and address is not printed. At portion 'A' to 'A' of these annexures* 'Y' and 'Z' reads "Congress High Command man Tumam Punjab Ko ek trah se sikhon ko de daya." In these posters annexures 'Y' and 'Z' Shri Lahri Singh respondent, the author has exploited and excited the racial feelings and sentiments of the illiterate and innocent Haryana electorate by making appeal for votes in his favour on the basis of race, caste and religion and community. In these annexures Sh. Lahri Singh respondent has supported false and imaginary figures to mislead and prejudice the electorate with the object directly or indirectly of interfering with the free exercise of free electoral rights saying that the Punjabis who have subjugated the Haryanavis (Haryana people) in every walk of life in congress regime. Further that the Haryana people are a sort of colony to the Punjabis who has usurped all their rights, services, development, budget and irrigation etc. Portion 'B' to 'B' of annexure 'Y' reads "Kairon Government Ki Sikh Nawaz Policion Ki wajch se hamara illaga Haryana sube Punjab ka ek gulam hissa bangaya- Hindi illaga ke tumam illah man har ek mahakma man master Tara Singh ji ka Punjabi suba Raj tumam state man kayam ho gaya hai.....Bari Bhari rakam punjabi zone man kharach ki ja raha hai aur haryana ka Hindi zuban wala illaga punjabi sube ka gitwara bana days hai. Sikhon ki Punjab man tees feesadi abadi hote huai bhi unki gurmukhi zuban zabardasti Haryana ke bachhon per thonsi ja harai hai our trah trah ki Sikh Nawaz hidayatan jari karke har trah ki mulazamaton ka darwaza bandh ho chuka hai. Jaraiti, tajarti, talcemi, tarqati sche men zaida tar Punjabi illaga man jari ki jati hain. Congress High Command tumam Punjab ko ek trah se Sikhon ke ek trah se de daya aur Punjab and nazaij gar munsafana aur ek wahid illaga ki dusri illaga haq per zulam karwane par ankh aur kan bund kar lia hain. Meri in sab baton ka saboot keh ab Punjab state man hakumat Punjabi region walon ki kai aur Haryana ke Hindi illaga Punjabi region ka gulam ban gya hai. Nicho di huai nakse se sahaj hota hai." Shri Lahri Singh himself read out and quoted these posters in his public speeches in villages and towns in Rohtak Parliamentary Constituency, as mentioned in other paras and himself distributed this poster to voters in public meetings and in round the villages and towns towards till the date of poll. These posters in annexures 'Y' and 'Z' and the other posters in annexure 'X' as mentioned in the paras and sub-paras above, were got published in lacs and Shri Lahri Singh himself and his agents and supporters distributed these posters all over Rohtak Parliamentary Constituency.

(d) That Shri Lahri Singh respondent and his agents and supporters as mentioned in para 6(a) and other paras at his instance published by pasting and posting and distributing another poster annexure* 'C' under caption "appeal Benam Rai Dehandgan Rohtak Parliamentary Halqa" printed by Shivaji Press, the author being Shri Lahri Singh himself. This poster was distributed in different public meetings and round the villages canvassing towards by Shri Lahri Singh, his agents and supporters between 15th February 1962 till 23rd February 1962. Portion 'A' to 'A' reads "Punjab state ka raj ek saksh ke hath man daya hua hai jis man Haryana men rehna wale logon ko gulam bana kar Hindi Prant ko punjabi illaga ka gitwar ban daya hai." From portion 'B' to 'B' which reads "Man Haryana Prant ke bashindon se appeal karta hoon keh woh Haryana Nasik congress jamayat ke umedwaron ko rai neh doin our congress ke khilaf umedwaronks rai de kar kamyab banain takeh woh Haryana Niwasian ke pure haq

*Not published.

dilainai man kosis kar saken. Mauzuda zamane ko congress ko fail karne aur girane man aasp kar aur Haryana prant ka Bala Hai." This is a corrupt attempt to interfere with the free exercise of the electoral rights of the electorate at large on a very large scale and constituted corrupt practice being an appeal on the basis of Race, community and caste.

(e) That Shri Lahri Singh respondent and his agents and supporters as mentioned in para 6(a) and other paras of the petition published by pasting as depositing and distributing another poster "annexure 'B' under caption "Zaruri Suchana" printed in Hindi and Urdu on behalf of Beopar Mandal Sonepat Zila Rohtak against the candidature of Shri Laxmi Narain respondent saying that he had no connection with Beopar Mandal and he was not a representative of Beoparis. A vote for him was a total waste. Annexure 'D' reads 'Parliamentary Halqa Rahtak se ek umedwar Lakshmi Narain Ji upne aap ko Beoparion ka partinidhi zahir kar ke beoparion aur kisanon man phoot dal rahai hain. Wastav man beopar mandal sonepat se unke koi sambhandh nahai hai. Sonepat ke beoparion nehi kisi ko bhi upna ticket nahin diya. Es lia janta Lakshmi Narain ke dhokhe man nahai aai." The printers and publisher's name is intentionally left unpublished to escape the clutches of law by Shri Lahri Singh. This poster was distributed by Shri Lahri Singh himself, his agents and supporters in all public meetings in towns and villages especially amongst the beoparis between 1st of January and 23rd of February 1962 as mentioned in above paras and sub paras. These posters were published in lacs and meant with the corrupt intention of misleading the electors against the candidature of Shri Lakshmi Narain and thus interfere with the free exercise of electoral rights of the electorate at large at a very large scale and constituted corrupt practices by Shri Lahri Singh.

(f) Shri Lahri Singh respondent committed another corrupt practice by getting another poster titled "Beopari Bhaion" which is annexure 'B' published and printed from Bahar press mission Road Sonepat on his behalf. The name of one Shri Roop Chand who himself styles as the president of the Zila Beopar Mandal Rohtak. This poster is directly or indirectly intended to interfere with the free exercise of electoral right of the electorates at large. This poster is further meant with corrupt intention to further the prospect of Shri Lahri Singh's election by getting these posters published against the candidature of Shri Laxmi Narain respondent another contesting candidate. Shri Lahri Singh got this poster published in the name of Shri Roop Chand saying that Shri Lakshmi Narain is not a candidate of the Beopar Mandal and that Beopar Mandal did not exist in Sonepat at all and that 80 per cent beoparis supported Shri Lahri Singh. This poster was got published in thousands and was distributed amongst beoparis electorate in cities towns and villages of this constituency by Shri Lahri Singh himself, his agents and supporters while addressing meetings or canvassing.

7 On or about 20th February 1962 at about 11-00 a.m. Shri Lahri Singh respondent came to village Joli Tehsil Gohana addressed public meeting in the village making an appeal to the voters to cast vote in his favour in the name of religion and in the name of religious symbols. He was hoisting 'OM KA JHANDA' and the Bhagwa flag on the stage. He implored the voters to save the Hindus of Haryana and "This Om Ka Jhanda" pointing to the flag from the rule of sikh religion in Punjab. He further said that Punjab's Hindu in General and the Haryana Hindu in particular have become virtual slaves at the hands of sikhism. Compulsory Gurmukhi has been imposed on our children and within a short period all of us will be converted into sikhism forcibly. Those who vote for congress vote for conversion of Hindus into Sikhism. He distributed posters in *annexure X, Y, Z, B, C, D. In the meeting read out some portions of these posters in the meeting. The village Sarpanch Sh. Partu objected to such a speech being delivered by Shri Lahri Singh and so also did several other persons.

8. That on 21st February 1962 in the afternoon Shri Lahri Singh addressed a public meeting in the village Gauri and made an appeal to the voters on the basis of caste, and sub-castes saying that he was their brother from "GATHI WALA" sub-caste (Khap) whereas the petitioner Shri Randhir Singh was their enemy. Those who did not vote for him were not the sons and children of the "GATHI WALA" Khap. This speech of his being an appeal on the basis of caste and community was objected to by Sh. Surajmal, Sh. Hukam Chand, Sh. Tara Chand and several others present in the meetings. As a result of this Shri Lahri Singh got annoyed and left the village.

9 (i) It is therefore prayed that the election of Shri Lahri Singh be declared void and set aside.

*Not published.

(ii) That the respondent has been guilty of corrupt practices specified in the petition and is therefore disqualified from membership of Parliament and the Legislature of every state and for voting at an election for six years.

(iii) The petitioner be awarded the cost of the petition.

Sonepat

Dated 11th April 1962.

(Sd.)

Petitioner,

Randhir Singh son of
Sh. Chandgi Ram Advocate,
Sonepat.

VERIFICATION

I, Randhir Singh, the petitioner hereby verify that the contents of the paras 1, 2, & 5 to 8 are correct to my own knowledge and verify that contents of paras 3, 4 & 9 of this petition are correct to my belief based upon information received and believed to be true.

Sonepat.

Dated 11th April 1962.

(Sd.)

Respondent.

Randhir Singh Advocate,
S/o Shri Chandgi Ram.
Sonepat.

[No. 82/233/62.]

S.O. 1466.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 262, of 1962, presented to the Commission on the 12th April, 1962, under section 81, of the said Act, by Shri Pritam Singh son of Shri Kishan Singh, village Deh Kalan, Tehsil and District Sangrur, Punjab, calling in question the election to the House of the People from the Sangrur constituency of that House of Shri Ranjit Singh son of R. B. Narain Singh Narain Cottage, Sangrur.

Sd./ PRITAM SINGH. Presented to me by Shri Pritam Singh whose signature has been obtained in the margin and attested as
Signature attested. having been signed before me this the twelfth day of
Sd./- K. K. SETHI, 12-4-62. Under Secy. April. One Thousand Nine Hundred and Sixty two.
Election Commission, India.

Sd./- K. K. SETHI, 12-4-62.

Under Secy.,

Election Commission, India.

TO

THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 262 OF 1962

Pritam Singh S/o. Kishan Singh village Deh Kalan Tehsil and District Sangrur Punjab State (Candidate to the Lok Sabha Constituency Sangrur.—Petitioner.

Versus

1. S. Ranjit Singh S/o. R. B. Narain Singh Narain cottage Sangrur.
2. S. Dalip Singh son of S. Attar Singh Railway Road Nabha
3. S. Parkash Singh son of Bachan Singh Village Mirheri P.O. Bhadalwad Tehsil Malerkotla District Sangrur.
4. Shri Purshottam Lal son of Walaiti Ram Dhuri Distt., Sangrur.
5. S. Wazir Singh Jeji S/o S. Harchand Singh Jeji Ward No. 4, 3 Bridge Simla.
6. S. Ujjagar Singh son of Shyam Singh Village and P.O. Chuck Bhai Kot Tehsil Barnala District Sangrur.—Respondents.

Petition U/S. 81, and 84, of the representation of the people's Act, 1951, for declaring the election of Shri Ranjit Singh respondent No. 1, as void and further the petitioner may be declared to have been duly elected.

The petitioner prayth as follows:—

- (1) That the petitioner was nominated as candidate for the Lok Sabha constituency Sangrur No. 22, in the General Election 1962, of House of People of India.
- (2) That the petitioner is also elector in Lok Sabha constituency Sangrur No. 22, Punjab Assembly constituency Sangrur village Deh Kalan part No. 51, Tehsil and District Sangrur.
- (3) That the petitioner for the facts mentioned in para 1, and 2 of the petition is entitled to present this petition.
- (4) That the nomination papers of respondent No. 5, and 6, were improperly rejected by the returning officer Lok Sabha Constituency Sangrur on 29th January, 1962, and are joined as respondents.
- (5) That Hardial Singh son of S. Kahla Singh and Narbhai Singh son of Labh Singh of Sangrur withdraw their nomination papers on 1st February, 1962, and are not contesting candidates under S. 82, of the Peoples Representation Act, 1951.
- (6) That the petitioner and respondents No. 1 to 4 were contesting candidates.
- (7) That the nomination paper of Wazir Singh Jeji respondent No. 5, at serial No. 111 was rejected on the ground that he has failed to mention the name of the parliamentary constituency, name of the village and the assembly constituency and part No. of the electoral roll in which the name of the candidate is present and also the name of the parliamentary constituency of proposed on 29th January, 1962.
- (8) That S. Wazir Singh respondent No. 5, has mentioned in his nomination paper at serial No. 11 para 5, No. of voters list, ward No. and also mentioned the same of the father in para No. 3.
- (9) That the nomination paper No. 11 contains a note to the effect that Treasury receipt and the voter list is attached.
- (10) That the voter list contains voter number and the name of Wazir Singh son of Harchand Singh ward No. 4 Simla and part No. of the electoral roll.
- (11) That the proposer's Vote No. is 1446 village Chural Khurd Part No. 17 Assembly constituency Lehara District Sangrur as is mentioned in para 2 of the nomination paper at serial No. 11.
- (12) That the order of rejection of nomination paper of Wazir Singh respondent No. 5 by the returning officer Lok Sabha constituency Sangrur dated 29th January 1962 is legally and factually wrong and improper.
- (13) That the Returning officer has committed a grave error in rejecting the nomination paper at serial No. 11 which materially affects the result of election.
- (14) That the Returning officer would have looked through the voters' list attached with the nomination paper serial No. 11 and also the proposer's name in the voters list of Chural Khurd which is a village within Punjab assembly constituency Lehara and consequently parliamentary constituency Sangrur.
- (15) That mere non-mention of parliamentary constituency in which the candidate Wazir Singh respondent No. 5 and his proposer are actually voters and thus qualify to stand and propose the candidature is not sufficient ground to reject the nomination paper at serial No. 11.
- (16) That the nomination paper of Wazir Singh at serial No. 14 and 15 were also improperly rejected by the returning officer on 29th January 1962 on the ground that there was no voter list attached to these nomination papers separately.
- (17) That the nomination papers at serial No. 14 and 15 of Wazir Singh respondent No. 5 contained a note to the effect that treasury receipt and voter list are attached with the other form.

- (18) That legally voters list was not required to be attached with any or every nomination paper.
- (19) That the returning officer was given a written application dated 29th January 1962 drawing his attention that voters list in which the respondent No. 5 was entered as voter is attached with the first nomination paper at serial No. 11 and the Returning officer can see the list as it is before the returning officer but the returning officer refused to see the list which is improper and illegal.
- (20) That the respondent No. 5 further prayed for adjournment to be given for producing one more copy of the voter's list, but the returning officer wrongly rejected the prayer.
- (21) That the Returning officer's order dated 29th January 1962 regarding the rejection of Nomination papers' at serial No. 11, 14, 15 of respondent No. 5 are improper and illegal and consequently the election of returned candidate No. 1 is void.
- (22) That the improper and illegal rejection of the nomination papers at serial No. 11, 14, 15 of Wazir Singh respondent No. 5 has materially affected the result of the election and if the nomination papers of Wazir Singh respondent had been accepted, he would have contested the election and the respondent No. 1 the returned candidate would have been defeated and the petitioner would have been surely elected.
- (23) That the returning officer has improperly rejected the nomination paper of Ujagar Singh son of Shyam Singh Respondent No. 6 on the ground that his name is deleted from the voter's list on 29th January, 1962.
- (24) That the name of said Ujagar Singh Respondent No. 6 was present on the voters list supplied to him which is attached with the nomination paper.
- (25) That the deletion of the name of Ujagar Singh Respondent was improper, illegal and without notice to the Respondent No. 6.
- (26) That the improper rejection of nomination paper of Ujagar Singh respondent has materially affected the result of the election.
- (27) That the Respondent No. 1 has committed act of corrupt practice in the course of his election campaign from 1st of February, 1962 to 24th February, 1962 and has thus has appealed to the religious sentiments of the voters of sikh and Hindu community and to vote for him which comes within the ambit of section 123 (3) of people's representation Act of 1951 in the manner mentioned below:—
 - (a) Respondent No. 1 has consented to the publication of poster titled voters of district Sangrur under signature of secretary district congress committee, Sangrur, wherein the appeal has been made to the sentiments of Sikh and Hindu community for voting for Respondent No. 1 in lieu of religious services rendered by him.
 - (b) This poster was distributed and published widely by the workers of the Respondent No. 1 in Sangrur constituency of Lok Sabha Sangrur.
 - (c) The publication and printing charges of the said poster were paid by the Respondent No. 1.
 - (d) The words in the pamphlet "that he constituted religious places, spent thousands of rupees on Gurdwaras and Mandirs, spent Lakhs of rupees in the construction of all the gurdawaras of Delhi, he was president of Gurdwara committee, his father's photograph is placed in the Gurdawara Sisganj. He helped all the Gurdawaras of Dehradun. He spent a huge amount for the education of Sikh girls in medical education and for these reasons he should be elected" and words by which appeal is made to the religious sentiments of Sikh and Hindu community as marked in the poster" attached A.B.C.D.E.F.G
- (28) That this act of corrupt practice committed in the interest of the Respondent No. 1 by secretary District Congress Committee, Sangrur, has materially affected the result of election and thus the election is void. Affidavit regarding corrupt practice is attached herewith.

(29) The security of Rs. 2000 has been deposited in the name of Election Commission of India and receipt is attached.

(30) The petition is filed within time limit from the date of declaration of result i.e. 26th February, 1962.

I therefore hereby pray as follows:—

That the election of Respondent No. 1 be declared void for the fact mentioned in para No. 1 to 28.

That further declaration be made under S. 84, that the petitioner be declared to be duly elected to the Lok Sabha constituency, Sangrur No. 22 in general election of 1962.

That the Respondent No. 1 is guilty of corrupt practice under S. 123 of the Representation of Peoples Act, 1951 and should be disqualified for standing in any election for a period of six years.

And further costs of the petition should be awarded in favour of the petitioner and against respondent No. 1.

PRITAM SINGH,
S/o.

SH. KISHAN SINGH,
Village Deh Kalan,
District Sangrur.

Dated: The 11th April, 1962.

VERIFICATION

I, Pritam Singh son of S. Kishan Singh solemnly affirm that para No. 1 to 27 and part No. 28 are true to my knowledge and nothing is concealed.

PRITAM SINGH,

Certified to be a true copy.

[82/262/62.]

S.O. 1467.—In pursuance of the provisions of sub-section (I) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 340 of 1962, presented to the Commission on the 24th April, 1962, under section 81 of the said Act, by Shri Gomti S/o Shri Shankar, Village Rudrapur Bisen, P.O. Badgaon, Distt. Gonda, calling in question the election to the House of the People from the Gonda constituency of that House of Shri Ram Ratan Gupta S/o Shri Behari Lal, 20/204 Chatai Mohal, Kanpur.

Election Petition No. 340 of 1962. Relating to the election of the House of People Constituency No. 34, Gonda, in the State of Uttar Pradesh, held on 19th, 21st and 23rd February 1962.

1. Sri Ram Ratan Gupta, s/o late Lala Beharilal, r/o 20/204 Chatai Mohal, gana Tahsil and District Gonda—Petitioner.

Versus

1. Sri Ram Ratan Gupta, s/o late Lala Beharilal, r/o 20/204 Chatai Mohal, Kanpur, P.O. Kanpur, District Kanpur.

2. Sri Narayan Dadekar, s/o Sri Mahadeo, r/o 177 Upper Colaba, Bombay 5.

3. Sri Hem Raj Gir, s/o Gur Mahant Dutt, Raj, r/o Mathia Gird, Gonda, P.O. Babini Kanungo, Gonda, Dist. Gonda.

4. Shri M. K. Sinha, father's name not known, resident of Village Ganeshpur, P.O. Bahramghat, Dist. Barabanki.—Respondents.

The humble petition of the above named Petitioner most respectfully sheweth as under:—

1. That the Petitioner is an Elector in and is recorded as such at Serial No. 59 Part 348 of the Electoral Roll of the U.P. State Legislative Assembly Constituency No. 168, Gonda West, in respect of Village Rudrapur Bisen included in the area

of the Polling Station Rudrapur Bisen of the said Assembly Constituency, which is a segment of the aforesaid House of the People Constituency No. 34 Gonda, and is entitled to present this Election Petition.

2. That in the General Election of 1962 the respondents no. 1 to 4 were the contesting candidates in the aforesaid House of the People Constituency, the polling for which was held on the 19th, 21st and 23rd February, 1962.

The said respondents were candidates on behalf of the parties and with the relative election symbols, mentioned against the name of each.

1. Sri Ram Ratan Gupta	Congress Party	2 Bullocks with Yoke on
2. Sri Narain Dadekar	Swatantra Party	Star.
3. Sri Hem Raj Gir	Hindu Mahasabha	Horse and Rider
4. Sri M. K. Sinha	Socialist Party	Tree

3. The counting of the votes polled in the said election, for the respective candidates, took place initially on the 27th and 28th February, 1962, which continued till late after midnight in the succeeding night of that date.

4. That on the 1st of March, 1962, fixed for declaration of the result, Shri Ram Ratan Gupta, the Respondent No. 1 moved an application before the Returning Officer alleging certain discrepancies in the counting and praying for a recount of the votes. The application was duly allowed by the Returning Officer.

5. That the recounting of votes in the aforesaid Parliamentary Constituency was held on the 9th, 10th and 11th of March, 1962, and as a consequence thereof, the result of the said recounting was announced. The number of votes as announced to have been received by the respondents was as noted below:—

Name of the candidates	Votes Polled
1. Sri Ram Ratan Gupta	80937
2. Sri Narayan Dadekar	80439
3. Sri Hem Raj Gir	27429
4. Sri M. K. Sinha	7674
TOTAL	196479
INVALID VOTES	9741
TOTAL VOTES POLLED	206220

As a result of the above recounting of votes, the Respondent No. 1 was declared to be elected in the afternoon of 11-3-1962.

6. The Petitioner asserts that the election of the Respondent No. 1 is void and is liable to be declared void and set aside on the grounds mentioned in the paragraphs next following:—

7. The Respondent No. 1 himself and through his agents and other persons acting with his knowledge and permission committed the corrupt practices as defined in Section 123 of the Representation of the Peoples Act 1951 in the manner and the circumstances detailed below:—

- (a) That the Respondent No. 1, being a Congress candidate arranged the visit of Pt. Jawaharlal Nehru, the Prime Minister of India, in his Constituency. Pt. Nehru visited the aforesaid Constituency on 1st of February 1962 and addressed huge public meetings at Mankapur and behind the Railway Station of Gonda. In those meetings Pt. Nehru openly spoke against the Taluqdars and Rajas and criticised the feudal system. It may be mentioned here that Shri Raghavendra Pratap Singh, the erstwhile Raja of Mankapur Estate, who is a leader of the Swatantra Party, Uttar Pradesh, was himself contesting the election of Mankapur Assembly constituency within the aforesaid Parliamentary Constituency and had set up 4 other Swatantra Party candidates in the other four Assembly Constituencies, namely, Gonda East,

Gonda West, Gonda North and Mahadeva. He was instrumental in persuading Shri Narayan Dadekar Respondent No. 2 to contest the aforesaid Parliamentary Constituency which consisted of the above 5 Assembly Constituencies.

- (b) The Respondent No. 1 was instrumental in bringing Shri C. B. Gupta, the Chief Minister of U.P., Shri Algurai Shastri, The Minister of Forest, U.P., who also addressed Public meetings on behalf of the Congress Party in the aforesaid Constituency. Details of all such meetings are given out in Annexure 1 to this petition.

The aforesaid leaders and other local leaders of the Congress openly denounced the feudal system and characterised the candidates of Swatantra Party as Feudal Lords and thereby created the impression on the minds of the voters that it was not desirable to vote for the Swatantra Party Candidates. The aforesaid persons thus committed the corrupt practice of undue influence in the interests of the Respondent No. 1.

8. That the respondent No. 2 was brought from Bombay to Gonda by Raja Raghavendra, Pratap Singh, a Swatantra Party Leader of Uttar Pradesh, who himself was contesting the election of the U.P. State Legislative Assembly from Mankapur Constituency which was included in the Parliamentary Constituency in question. Raja Raghavendra Pratap Singh is the Raja of erstwhile Mankapur Estate. By his deep rooted position in various departments and sections, and in all the schemes of planning for the District, particularly in the Agriculture and Sugar Cane Departments, the Raja of Mankapur has been holding a dominant position over the staff and personnel of those departments, particularly over their lower and clerical ranks who due to such domination of the Raja were always helpful to him. Raja Raghavendra Pratap Singh in furtherance of the cause of his own election, as well as that of respondent No. 2 who was put up for the Parliamentary election in question, exercised and maintained a reign of terror in the said Constituency based on his feudal association. For several weeks before the day of the poll he carried on himself and through his agents, workers and supporters a campaign of terror, administering threats of dire consequences to be visited on the electors of the entire constituency in question, who would not vote for Respondent No. 2. Almost at every polling station within the area of the said Mankapur Constituency the respondent No. 2 with the active help of Raja Raghavendra Pratap Singh had posted a body of "Strong Men" for each polling station, who should, by devise of undue influence and pressure of threat, make the voters to vote for respondent No. 2 and not vote for the Congress candidate or other candidates, thereby totally to curb the free exercise of the right of vote by the voters at those polling stations.

The details of pollings stations and the Agents, workers and supporters of Respondent No. 2 who exercised such terror and undue influence is given in Annexure II.

9. The Respondent No. 1 and his agents and other persons with the knowledge and consent of Respondent No. 1 and his Election Agents, Shri Rama Nath Misra, hired and procured for the conveyance of the electors of a number of Villages to the polling stations and back to the said villages. The details of and the particulars about the bullock carts, the owners whose carts were hired and procured the names of the agents and persons who hired and procured these bullock carts on behalf of the Respondent No. 1 with the direction, knowledge and consent of Respondent No. 1 together with the names of the villages from which the voters were conveyed on those bullock carts and also names of the Polling Stations concerned are given in Annexure III. The particulars of the motor vehicles hired, procured or made available for such purposes of conveying the voters by and on behalf of Respondent No. 1 and by his agents and workers acting with the direction, knowledge and consent of the Respondent No. 1 with the villagers of the voters and the Polling Stations concerned are also given in the said Annexure III.

The above mentioned hiring and procuring and obtaining the conveyances, bullock carts and motor vehicles was done on the day of the poll in the early hours of the morning and those conveyances plied throughout the timing on the day of the poll, that is February 19, 21 and 23, 1962.

10. In the area and circle of Para Sarai, Padari Kripal and Janki Nagar in the Assembly Constituency of Gonda West and in the area of Khirla and Sonvarea in the Assembly Constituency of Mahadeva and in the City of Gonda in the

Assembly Constituency of Gonda East, the only candidate who had good prospects and appealed to the electorate was the Congress candidate. The Respondent No. 2, therefore, in order to impair the prospects and to gain advantage thereby for himself, distributed money through his active supporters whose names and villages in respect of each polling station mentioned above is given in Annexure IV, to about 1000 voters on the dates mentioned against each in the said Annexure IV, and thus committed the corrupt practice of bribery. This was done with the stipulation that those voters would refrain from going to the polling stations and refrain from casting their votes.

11. At the polling station of Kaudia and Usraina in Gonda West Assembly Constituency, Wazirganj and Nawabganj in Mahadeva Assembly Constituency, Kharagpur in Gonda North Assembly Constituency and at Sabrapur in Mankapur Assembly Constituency, the Respondent No. 1, through his agents working on each polling stations maintained sufficient supplies of sweets, beedies, cigarettes, chabaina etc. to entertain and feed the voters on the day of the poll, on account of which there was a continuous rush and flood of voters to the camps set up by Respondent No. 1 at these Polling Stations, and the voters were freely fed and entertained with sweets, chabainas, beedies and cigarettes, wherefor a very large number of voters at these polling stations who cast their votes for respondent No. 1 were made so to cast their votes by the corrupt practice of bribery. The details of the persons who committed the above practice and the places where they were so committed and the dates on which they were committed are all given out in Annexure V to this petition.

12. On February 4, 1962, the Respondent No. 2 together with his strong supporter, Shri Raghavendra Pratap Singh, the Raja of Mankapur, the Swatantra party leader and a candidate for the Mankapur Assembly Constituency coming within the Parliamentary Constituency in question, visited the place, known as Sarvan Pakar, where annually a religious Mela is held under the Hindu Calendar date which this year fell on February 4, 1962. On that day, the Respondent No. 2 and the said Shri Raghvendra Pratap Singh performed Hindu scriptural and religious Yagya at Sarvan Pakar, which place falls within the constituency in question and is situated in Pargana Babhnipar, Tehsil Utaula, Dist. Gonda. This they did in order to impress upon the general public and the majority of the electorate of the constituency gathered there that the respondent No. 2 and Raja Raghavendra Pratap Singh are religiously and spiritually to be regarded as chaste and pious Hindus, and further to impress upon the electorate and the public that the Respondent No. 1 in the election in question opposing Mr. Dadekar, Respondent No. 2, is not so, and further that the electorate would be acting against the divine precepts in supporting and giving the votes to the respondent No. 1. This intention of respondent No. 2 and his colleague Shri Raghvendra Pratap Singh for performing the Yagya was expressed by their speeches which they delivered after the performance of the Yagya.

The Respondent No. 2 and the said Raja Raghvendra Pratap Singh after performing the Yagya aforesaid addressed a huge public meeting of about 10,000 people in which both these persons declared to the electorate and the public that the respondent No. 1 was a heterodox Hindu in character and conduct and in his habits of eating and dining with the Muslims, that the respondent No. 1 eats eggs, chicken and Murgas and fish and all kinds of flesh and is thoroughly impious and ineligible to be called a Hindu Bania, that on account his conduct and character and the habits of eating and dining, the respondent No. 1 is mingled up with the Muslims wherefor the Respondent No. 1 is not even a Hindu in reality, that the general Hindu public and the electorate would be acting against the precepts of Hindu religion and Shastras if the electorate would vote for Respondent No. 1 or if the electorate would not accept Respondent No. 2 as their proper representative and vote for him, that the electorate including the Respondent No. 1 as their representative would not be treading the path of Hindu religious and spiritual conscience and of the divine precepts enjoined by the Vedas, on account of which 'Pan' (Sin) would fall on the electorate. The above statement about the personal character of the respondent No. 1 as published by Respondent No. 2 and his colleague Shri Raghavendra Pratap Singh by their mutual consent in their speeches were also false to their knowledge and which they had no reason to believe to be true and had every reason to believe it to be false.

The Respondent No. 2 thus by himself and through his supporter Shri Raghavendra Pratap Singh has committed the corrupt practice defined in section 123(2) Clause (A) Part (II) and in (4) of the Representation of the Peoples Act 1951.

13. That the respondent No. 3 was the chief priest and pujari of Lord Dukh Harannath—a famous and well known idol of Lord Shiva in the city of Gonda.

Lord Dukh Harannath is held in great reverence by the Hindus of Gonda and adjoining districts. The respondent No. 3 and his agents, workers and supporters represented to the electorate of the constituency that the Respondent No. 3 was ordained by Lord Dukh Harannath to seek election for the parliamentary constituency in question, and with a view to secure this objective and consequent support of Hindu electorate the respondent No. 3, his agents, workers and supporters approached the voters in the segment of Assembly constituencies of Gonda West, and Gonda East, and offered to voters the "Tulsidal" and "Bhabhooti" (sacred ashes) of Lord Dukh Harannath and implored on them that the vote given to respondent No. 3 shall be deemed to be a vote to Lord Dukh Haran Nath himself, and those who would not vote for respondent No. 3 shall incur the divine displeasure of Lord Dukh Harannath. The details of such villages and polling stations where the above corrupt practice was committed is given out in Annexure VI.

The respondent No. 3 thus by himself and through his agents, workers and supporters has committed the corrupt practices defined in Section 123(2) clause (a) part (ii).

14. That there had been numerous irregularities in counting of votes as a result of which recounting had to be done. The Raja of Mankapur yields considerable influence particularly on low paid Government employees of the district and was able to manipulate results at the time of counting.

15. That the respondent No. 1 himself and through his agents and workers and other persons acting with the knowledge and consent of respondent No. 2 has got the votes of a number of dead and absent electorates of village Padri Shanker comprised in the polling station area of Rudrapur Bishan Polled through fictitious persons impersonating for those dead and absent electors in favour of the respondent No. 1. A list of such dead and absent electors is given in Annexure No. VII. By this the respondent No. 1 has committed the contravention of the Rules and the Provisions of the Act and the votes in question have been improperly admitted and accepted, which has, in conjunction with the other facts stated in this petition materially affected the result of the election so far as Respondent No. 1 is concerned.

16. That the Respondent No. 2 himself and through his agents and workers and other persons acting with the knowledge and consent of respondent No. 2 has got the votes of number of dead and absent electorates of village Sikahra comprised of polling station Sabrapur polled through fictitious persons impersonating for those dead and absent electors in favour of Respondent No. 2. The list of such dead and absent persons in question is given in Annexure VIII. By this the respondent No. 2 has committed the contravention of the rules and provisions of the Act and the Votes in question have been improperly admitted and accepted which in conjunction with other facts stated in this Petition have materially affected the result of the election.

17. That due security of an amount of Rs. 2000/- will be deposited by the petitioner in favour of the Election Commission for the costs of this petition and the Government Treasury Receipt relating to it will be annexed with this Petition.

18. The election of Respondent No. 1 deserves to be declared void and be set aside.

19. THEREFOR the Petitioner prays for the undernoted reliefs:

(a) That the election of the Respondent No. 1 be declared void and be ordered to be set aside and a vacancy be declared in respect of the same.

(b) That the costs of this petition be allowed to the Petitioner against the Respondent No. 1.

Gonda, the 21st April 1962.

(Sd.) गोमती
Petitioner.

VERIFICATION.

I, Gomti, the petitioner hereby verify that the contents of this election petition paragraphs 1, 2, 3, 4, 5 and 17 are true to my knowledge and contents of paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18 read with Annexures I to VIII are true to my knowledge and to the best of my belief, based on information received by me, which I believe to be true.

Verified this day the 21st of April 1962 at Gonda.

(Sd.) गोमती,

The Election Petition of Shri Gomti, the petitioner.

(Sd.) गोमती,
Signature.

ANNEXURE No. I

In respect of Paragraph 7(a) and (b).

Name of Persons who addressed meetings	Date on which meetings were addressed	Place where meetings were addressed
1. Pt. Jawahar Lal Nehru	1-2-1962	1. Manakapur. 2. Behind, Gonda, Railway Station, Gonda.
2. Shri C. B. Gupta	14-2-1962	1. Intia Thok. 2. Kukur Bhukwa. 3. Gonda City.
3. Shri Algurai Shastri	4-2-1962	1. Sarwan Pakar. 2. Wazirganj.

I, Gomti, petitioner hereby verify that the cotents of this Annexure No. I are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April 1962, at Gonda.

(GOMTI)

ANNEXURE No. II

In respect of Para No. 8 of the Petition

Name of the Polling Station	Name of agents and workers of the respondent No. 2
1. Vidyanagar	1. Umapat Singh. 2. Madho Pd. Tewari. 3. Ram Lakhon Tewari. 4. Ram Raj Singh. 5. Tej Bahadur Singh. 6. Gokaran Singh.
2. Sonhas	1. Balram. 2. Sugriv Singh. 3. Lat Bux Singh. 4. Parmeshwar Singh. 5. Sheo Tahal Singh.
3. Mankapur	1. Om Prakash. 2. Kishori Lal. 3. R. R. Pande.
4. Bairipur	1. Ram Sunder Singh. 2. Raksha Ram. 3. Sheo Pd. Verma.
5. Chaubepur	1. Umapal Singh. 2. Shanker Sahal. 3. Tribeni Prasad. 4. Patan Din Lal. 5. Ram Nilan. 6. Pateshwari Pd. 7. Nankau Singh, brother of the Manager of Raja Raghvendra Pratap Singh.
6. Lamti	1. Ghirrao. 2. Sardar Balwant Singh. 3. Brahma Deo Srivastava. 4. Sharda Charan.

	5. Ram Dhiraj Singh.
	6. Hari Singh.
	7. Jagannath.
	8. Mata Din.
	9. Gopi Ram.
7. Ranijot	1. Mahadeo Pd. Pande. 2. Janki Pd. Gupta. 3. Shyam Sarup Singh.
8. Tirka Buzurg	1. Ram Anand Singh. 2. Ram Naresh Tewari. 3. Raj Karan Singh. 4. Bhagwati Pd. Verma.
9. Patijia Buzurg	1. Parmeshwar Pd. Pandey. 2. Ram Kewal Singh.
10. Mandafi	1. Hanoman Sahai Singh. 2. Surya Narain Singh. 3. Sheo Baran Singh. 4. Thakur Pd. Singh. 5. Ram Sarwan Singh.
11. Bauhan	1. Abdul Samad. 2. Ram Dularcy Singh. 3. Mohd. Reza. 4. Lalji Pande.
12. Sabarpur	1. Kali Pd. Singh. 2. Bans Gopal. 3. Abinash Chandra Tewari. 4. Uma Shanker.
13. Bagdargrant	1. Badri Pd. Shukla. 2. Ambika Pd. Pandey. 3. Dukhi Ram.
14. Khutihan	1. Ram Narain. 2. Baldeo Singh, Manager of Raja Ragh- vendra Pratap Singh.

I, Gomti, petitioner hereby verify that the contents of this Annexure No. II are true to the best of my belief on the information received by me which I believe to be true.
Verified this the 21st day of April 1962, at Gonda.

(GOMTI)

ANNEXURE No. III

In respect of Paragraph No. 9 of the Petition.

Name of Cart Owners whose bullock carts were hired and procured.	Name of persons who hired and procured carts	Names of villages of whose voters were conveyed on these carts	Names of Polling Stations to and from which voters in question were conveyed
Ramadhar Pande r/o Kaudia Bazar.	Ram Sarup Tewari	Umra	Kaudia
Chhote, Ahir r/o Budadewar	Ram Gulam	Belwabhan Ranijot Sauradamman	(Gonda West) Jankinagar (Gonda West)

1	2	3	4
Amanat Khan, r/o Sonbarsa Village	Laxmi Narain	Singhachanda	Sonbassa (Mahadeva)
Ram Pal Kori r/o Khiriya Village	Ramnath Singh	Bhathepur Belbharia	Khiriya (Mahadeva)
Dulare Teli C/o Shyam Lal Rastogi of Kharagupur.	Govind Dass	Patkhauri Naushehra Lachmanpur	Kharagupur Imilia (Gonda North)
Nos. of motor vehicles hired or procured and used for conveyance of voters.	Names of persons who procured and used Motor Vehicles.	Names of Villages whose voters were conveyed on such vehicles.	Names of Polling Stations to and from which the voters were conveyed
MRX 4061	Gaya Prasad	Laxminagar Girunt	Sabrapur (Mankapur)
9170	Ram Dayal Singh	Tenduwa Chowkhariya	Babhri Sarai (Gonda North)
2215	Jaijairam	Palelnagar, Pande Bazar, Dukhharan Nath Mohalla of Gonda City.	Gonda Municipi- pal Board (Rajkiya Uchhtar Madhyamik Vidyalaya).

I, Gomti, petitioner hereby verify that the contents of this annexure No. III are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April 1962, at Gonda.

(GOMTI)

ANNEXURE NO. IV

Relating to Paragraph 10 of the Petition

Name of Polling Station	Name of agents and supporters who distri- buted money	Dates when distri- buted	Villages where money was distributed
Parasaria	Gauri Shanker Pande	22-2-62	Parasarai & Agela.
Padri Kripal	Ramdass Ahir	22-2-62	Padri Kripal & Kewalpur.
Jankinagar	Ramhet Tewari	22-2-62	Jankinagar Burhadewar
Khiriya	Baldeo Singh	22-2-62	Majhgawan
Sonbarsa	Sukhpyaro Singh	22-2-62	Nolapur Kaji
Gonda Municipal Board	Jaijairam	20-2-62	Gonda City.

I, Gomti, petitioner hereby verify that the contents of this Annexure IV are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April, 1962 at Gonda.

(GOMTI)

ANNEXURE NO. V

Relating to Paragraph 11 of the Petition

Polling Stations where voters were entertained	Names of Persons who entertained	Places where entertained	Dates on which entertained
Kaudia	Ram Saran Shukla	Congress Camp	23-2-62
Usraina	Jagannath Kori	Congress Camp	23-2-62
Wazirganj	Ram Pyare	Congress Camp	23-2-62
Nawabganj	Girdhari Lal	Congress Camp	23-2-62
Khargupur	Brij Gopal Shukla	Congress Camp	19-2-62
Sabrapur	Jagmohan Singh	Congress Camp	19-2-62

I, Gomti, petitioner hereby verify that the contents of this Annexure No. V are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April 1962 at Gonda.

(Sd.) GOMTI.

ANNEXURE NO. VI

Relating to Paragraph No. 13 of the Petition

Name of polling Station	Name of Villages	Names of Agents and workers	Dates
Dariyapur Hardopatti	Dariyapur Hardopatti Ramwapur Govinda Mohipathak Gopalpur	Shri Hemraj Gir with workers	17-2-62
Rudrapur Bisen	Rudrapur Bisen Padri Shanker Keshopur Pahadwa Pure Khem Karan	Do.	16-2-62
Tirremanorawa	Tirremanorawa Bhupalpur Padripara Sarai	Do.	14-2-62
Tulsipur Kandari	Chorsiha Bhiti Pathkaull Pilkhai	Do.	12-2-62 and 13-2-62
Gonda City	Gird Gonda	Do.	20-2-62

I, Gomti, petitioner hereby verify that the contents of this Annexure No. VI are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April 1962 at Gonda.

(Sd.) GOMTI.

ANNEXURE NO. VII

Relating to Para. No. 15 of the Petition

List of voters of Village Padri Shankar comprised in Polling Station Rudrapur Visen in Gonda West who were either dead or absent on the date of the polling

1. Ratipal s/o Sheo Balak
2. Ram Awadh s/o Ram Nath
3. Gayadevi w/o Algu
4. Mata Prasad s/o Ram Sudi
5. Brahma Prakash s/o Kashi Ram
6. Goverdhan s/o Jaggu
7. Sonwa s/o Budhai
8. Kishan Prasad s/o Maghan Bihari

9. Louton s/o Chedi
10. Baijnath s/o Gouri
11. Chowdhury s/o Kamta Prasad
12. Balay s/o Paltru

I, Gomti, petitioner hereby verify that the contents of this Annexure No. VII are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April 1962 at Gonda.

(Sd.) GOMTI.

ANNEXURE NO. VIII

Relating to Para. No. 16 of the Petition

List of voters of village Sikahara comprised in Polling Station Sabarpur who were either dead or absent on the date of Polling

1. Bhikhi s/o Chirau
2. Mewa s/o Hazari
3. Badri s/o Hazari
4. Bishuna s/o Hazari
5. Bhagwande s/o Dayal
6. Raja s/o Dayal
7. Ram Parshad s/o Gajadhar
8. Jag Parshad s/o Ram Lalit
9. Nyaka w/o Bhabhuti Singh
10. Dulraji w/o Sukhmangal
11. Hari Ram s/o Abhairaj
12. Sukhdei w/o Awadh Raj
13. Havaladar s/o Dhautal
14. Thakurdei w/o Debidin
15. Baijoo s/o Behari
16. Ramdasi w/o Bhikhi
17. Nokhai s/o Samjhawan
18. Sheoraji w/o Samjhawan
19. Haji Bux s/o Diyanat.

I, Gomti, petitioner hereby verify that the contents of this Annexure No. VIII are true to the best of my belief on the information received by me which I believe to be true.

Verified this the 21st day of April 1962 at Gonda.

Sd./- GOMTI.

[No. 82/340/62.]

New Delhi, the 7th May, 1962

S.O. 1468.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 214, of 1962, presented to the Commission on the 12th April, 1962, under section 81, of the said Act, by Shri Mahant Dig Vijai Nath Chela of Late Mahant Brahma Nath, resident of Moh. Purana Gorakhpur, Gorakhpur City, District Gorakhpur, calling in question the election to the House of the People from the Gorakhpur constituency of that House of Shri Sinhasan Singh s/o Shri Bhola, resident of Bhola Niwas, Newatipur, Gorakhpur.

K. K. SETHI, Under Secy.,

Election Commission, India.

BEFORE THE ELECTION COMMISSION, NEW DELHI.

ELECTION PETITION NO. 214 OF 1962.

Mahant Dig Vijai Nath Chela of Mahant Brahma Nath deceased resident of Moh. Purana Gorakhpur, Gorakhpur City, District Gorakhpur.—*Petitioner.*

Versus.

1. Shri Sinhasan Singh son of Sri Bhola resident of Bhola Newas, Newatipur, Gorakhpur.

2. Shrimati Kamla Sahai wife of Shri Yadupati Sahai House No. 10 Moh. Ram Narain Lal Road, South Allahabad.

3. Shri Khare Lakshmi Shankar son of Shri Harihar Sahai resident of Moh. Madhopur City Gorakhpur.

4. Shri Misra Chandra Sheikhar son of Shri R. S. Misra (Ram Sewak Misra) resident of V. Bhitl, P.O. Peoppeganj, District Gorakhpur.

5. Shri Shahi Nageshwar son of Shri Baleshwar Prasad Shahi resident of Moh. Betia Hata, City Gorakhpur.

6. Shri Ramakant Shukla son of Shri Tameshwar Shukla resident of V. Ram-pur Pandey, P.O. Khajni, District Gorakhpur.

7. Shri Sadiq Ali son of Shri Asghar Ali resident of Mohalla Paharpur, Gorakhpur City.—Respondents.

The petitioner respectfully submits as follows:—

1. That the petitioner and the respondent were candidates for election to the House of the People in the Parliamentary Election of 1962, from the 39 Gorakhpur Constituency of Uttar Pradesh.

2. That the Collector and District Magistrate of Gorakhpur Shri S. S. Ahmad was the Returning Officer of the said constituency.

3. That the petitioner sought election on Hindu Mahasabha Ticket and his election symbol was 'Horse and Rider'. The petitioner was at the time and even now is the President of the All India Hindu Mahasabha.

4. That the election symbol of the respondents were as detailed below:—

Name of Candidate	Name of party	Election Symbol
Sri Sinhasan Singh	Congress	Two Bullocks with Yoke.
Shrimati Kamla Sahai	Socialist	Tree.
Sri Khare Lakshmi Shanker	Jan Sangh	Lamp (Dipak)
Sri Misra Chandra Sheikhar	Independent	Bicycle.
Sri Shahi Nageshwar	Praja Socialist	Hut
Sri Ramakant Shukla	Independent	Flower (Phool)
Sri Sadiq Ali	Swatantra	Star

5. That the result of the said election was declared by the Returning Officer on 28th February, 1962 at about 2-00 P.M. and Shri Sinhasan Singh Respondent No. 1 was declared elected.

6. That it was alleged by the Returning Officer at the time of declaration of result at 2-00 P.M. on the 28th February 1962 that the votes polled by each candidate and the number of invalid votes and tendered votes was as follows:—

Name of Candidates	Votes Polled.
Mahant Dig Vilal Nath	64998
Sri Sinhasan Singh	68258
Shrimati Kamla Sahai	19398
Sri Khare Lakshmi Shanker	21451
Sri Misra Chandra Sheikhar	7286
Sri Shahi Nageshwar	9034
Sri Ramakant Shukla	4733
Sri Sadiq Ali	6400
Invalid votes	9993
Tendered votes	75

7. That the Parliamentary Constituency of Gorakhpur for the House of the People comprised within the limits the U.P. Assembly Constituencies of 193 Jhangaha, 194 Pipraich, 195 Gorakhpur, 196 Maniram and 197 Maghar.

8. That serious irregularities and illegalities were committed by the Returning Officer and his subordinates in the conduct of election, some of which are detailed hereunder.

9. That the counting of votes for the U.P. Assembly Constituency and the Parliamentary Constituency were conducted simultaneously.

10. That the counting of votes for the U.P. Assembly Constituency of 193 Jhangha, 194 Gorakhpur, 197 Maghar and corresponding Parliamentary Constituency of Gorakhpur commenced at about 11-00 A.M. on 26th February 1962 and finished at about 5-00 A.M., 1-00 A.M. and 8-00 A.M. respectively on the 27th February 1962.

11. That the counting of votes for the U.P. Assembly Constituency of 194 Pipraich, 196 Maniram and the corresponding Parliamentary Constituency of Gorakhpur commenced at about 11-00 A.M. on the 27th February 1962 and finished at about 6-30 and 1-00 A.M. on the 27th and 28th February 1962 respectively.

12. That the counting of votes for the entire Parliamentary Constituency of Gorakhpur was completed at about 1-00 A.M. on the night between the 27th and 28th February 1962.

13. That the result of the election for the Parliamentary Constituency of Gorakhpur should have been forthwith declared on the night at about 1-00 A.M. between the 27th and 28th February 1962 but it was not so declared till 2-00 P.M. on the 28th February 1962 and hence Section 66 of the Representation of the People Act 1951 was not complied with which affected the result of the election materially.

14. That the petitioner, his counting agents and members of the public who were present there in thousands insisted on the declaration of result immediately, without giving any plausible reason it was told by the Assistant Returning Officer that the result of election was withheld because the Returning Officer was asleep. The petitioner's counting agents and also the petitioner phoned to the bungalow of the Returning Officer but the constable on duty showed his inability to wake up the Returning Officer.

15. That the counting of the ballot papers was not done by the Returning Officer or under his supervision and direction of the Officer causing violation of Section 64 of the People Act, 1951. This also materially affected the result of the election.

16. That the counting was done under a Shamiana set up for the purpose, having no Almirahs or boxes where the ballot papers could have been kept safely. After the completion of counting of the votes at 1-00 A.M. on the night between the 27th and 28th February 1962, the result was not declared inspite of all the effort made by the petitioner and his agents. The counting agents of the petitioner insisted that they would not leave the place until the result was not declared or until the ballot papers were kept under sealed covers at some safe place. But the same was not done and the counting agents of the petitioner were ordered out of the place.

17. That at the time the counting agents who were asked to leave the place under the Shamiana insisted that the ballot papers should be sealed in their presence and they should be allowed to put their seals on the same. But the ballot papers were neither sealed in the presence of the counting agents nor was any opportunity given to them to place their seals and the petitioner's counting agents were forced to leave the place. Open bundles of ballot papers were left unprotected on the counting tables.

18. That postal ballot papers were neither opened in the presence of the petitioner or his agents, nor was any notice for the counting of the same was given by the Returning Officer as to the time or place for the counting of the postal ballot papers. The petitioner and his counting agents were deprived of their right to be present at the time of counting in breach of Section 64 and this also affected materially the result of the election.

19. When the counting was completed at 1-00 A.M. on the 28th February 1962 no announcement was made as to the time when the result of the election would be announced.

20. That at about 8-00 A.M. on the 28th February 1962 petitioner's agents arrived at the counting place and remained there till about 2-00 P.M. but they were not allowed to go inside the Shamiana and, therefore, they could not notice what was going on there inside the Shamiana. However, they noticed that the Returning Officer came at about mid-day on the 28th February 1962, went into

the Shamiana and after remaining for about three hours there announced the result at about 2-00 P.M. on the 28th February 1962 and declared respondent No. 1 as duly elected.

21. That on inquiry, after declaration of the election result, the Returning Officer alleged that he had counted the postal ballot papers and there was no necessity to give the information of the same at the time of counting to the petitioner or his counting agents.

22. That in any event if the postal ballot papers were counted 'till 1-00 A.M. on the alleged night then the election result should have been declared forthwith or if the counting was discontinued for the counting of postal ballot papers then the ballot papers ought to have been sealed in the presence of the petitioner or his agents.

23. Under Rule 57(2) quote

When all the ballot papers in all the ballot boxes used at each polling station of the above Parliamentary Constituency were completed, the Returning Officer announced the particulars and the same were duly taken down by the agents of the petitioner. The total of such votes announced in favour of petitioner was 66260 votes, and of the respondent No. 166025 votes and 10932 votes were announced to be invalid. The petitioner was thus found to be leading over respondent No. 1 by over two hundred votes according to announcement of the Returning Officer. This also tallied with the datas given on the black board. The declaration of the result was illegally withheld at 1-00 A.M. on the night between the 27th and 28th February 1962 by the officer concerned and it was announced after an interval of about 13 hours without any justification. On the next day about 2-00 P.M. the election result was declared, and the petitioner to the surprise of all the persons concerned, was declared to have lost the election by about 3000 votes. Such tamperings or alterations will be apparent on inspection of the relevant documents. They show that *inter alia* ballot papers had been tampered with and figures had been altered and rejected ballot papers were conveniently filed up and used in favour of respondent No. 1 and cancelled ballot papers were also used or counter in favour of the said respondent.

24. That it is submitted that inspite of the repeated requests made by the counting agents of the petitioner the ballot papers rejected by the Assistant Returning Officer was neither shown to them nor any reasonable opportunity to inspect those ballot papers was given to them.

25. That it will appear that the total votes polled were 211626 but from a perusal of ballot papers account kept according to form 16 of the Rules framed under the Representation of the People Act, it would appear that total votes polled were 211636.

26. That Rule 53, 56 and 57, in particular Rule 53(3), Rule 56(3) and Rule 57(2) of the Conduct of Election Rules 1951 was violated. The counting agents were nor given opportunity to watch the counting before rejecting the ballot papers, the Returning Officer did not allow the counting agents of the petitioner reasonable opportunity to inspect the ballot papers nor they were given any opportunity to watch the counting. This also materially affected the result of the election. It is significant that the final Result sheet kept under Rule 57(2) was found tampered with.

27. A large number of ballot paper accounts kept according to Rule 45 and Form No. 16 and of Final Result-sheets kept according to Rule 57(2) and form 20 were found tampered with and/or altered

27(a) That a large number of valid votes cast for the petitioner were unlawfully rejected as invalid and a large number of invalid votes were counted as valid for respondent No. 1. On a number of ballot papers crossmarks were illegally and improperly put. On those where the marking was in favour of the petitioner other marking were done so as to invalid at the same. On a number of ballot papers on which no marking had been done, marks were put on the symbol of respondent No. 1. These were effected with connivance or consent of the Returning Officer or his agents or subordinates.

28. That the petitioner had in fact secured more votes than respondent No. 1 but by malpractices and illegalities and non-compliance of the rules committed in the conduct of elections and declaration of the election result made to appear that respondent No. 1 had secured more votes than the petitioner.

29. That at polling station in village Chauri Chaura, Pipralcha a large number of voters were admitted to the polling station before the scheduled hour for the close of polls but ballot papers were not issued to them on the pretext that the time for polling had expired. This resulted to in a large number of votes which would have been cast for the petitioner not being cast and a clear breach of rule 45 was committed in this connection.

30. That the totalling of votes was also wrongly done by the Returning Officer.

31. That some more devices may have been adopted by the Returning Officer for getting respondent No. 1 elected. but the same can be brought to light only on the inspection of ballot papers and the relevant papers which have not been allowed to the petitioner and which can only be detected when the petitioner under the order of a Tribunal is allowed inspection of ballot papers and other relevant papers.

32. That the nomination paper of Shri Sadiq Ali respondent No. 7 was unlawfully accepted. He was aged only 24 years on 20th January 1962 the date of nomination. The whole election is materially affected on this account alone. The petitioner has every reason to believe if Shri Sadiq Ali would not have been a contesting candidate the votes would have been distributed in such a manner between the contesting candidates as would have brought about the defeat of respondent No. 1 the returned candidate. Further the fact that the margin of votes between the returned candidate and the petitioner who secured the next highest number of votes is about one half of the number of votes polled by Shri Sadiq Ali indicates and will also be so proved by the petitioner that the votes polled by Shri Sadiq Ali would have gone in favour of the petitioner. This improper acceptance of the nomination paper of Shri Sadiq Ali has, therefore, materially affected the result of the election so far as is concerned the election of respondent No. 1 the returned candidate.

33. That all the aforementioned illegalities and irregularities have materially affected the result of the election and the election of the respondent No. 1 as returned candidate has been brought about by flagrant breaches of the provisions of Representation of the People Act and the Rules framed thereunder, by illegal and *malafide* acts committed by the Returning Officer and/or his agents and subordinates in collusion with or at the instance of respondent No. 1.

34. That the required security deposit of Rs. 2,000/- has been made through a treasury challan and the challan is attached to this petition.

It is therefore, respectfully prayed that the election of respondent No. 1 be set aside and the petitioner be declared elected.

Dated 31-3-62

MAHANT DIGVIJAI NATH.

I, Mahant Digvijai Nath, verify that the contents of paras, 1 to 4, 7, 19 and 34 of this petition are true to my knowledge and those of paras 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 31, 32, 33, are based on information which I believe to be true. Verified at Gorakhpur on 31st March 1962.

MAHANT DIGVIJAI NATH,

Petitioner.

[No. 82/214/62.]

S.O. 1469.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 224 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Ram Kishen S/o L. Kanshi Ram Mahajan of Charkhi Dadri, calling in question the election to the House of the People from the Mohindergarh constituency of that House of Shri Yudhvair Singh S/o Shri Bharat Singh, V. & P. O. Bas, Tehsil Hansi, District Hissar.

Signature

RAM KISHEN.

Attested.

Sd./- K. K. SETHI,

Under Secretary,

Election Commission, India.

Presented to me by Shri Ram Kishen whose signature has been obtained in the margin and attested as having been signed before me this the twelfth day of April One Thousand Nine Hundred and Sixty two.

K. K. SETHI, Under Secy.,
Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

Ram Kishen, s/o L. Kanshi Ram Mahajan of Charkhi Dadri (Punjab)—
Petitioner.

Versus

1. Yudhvair Singh, s/o Bharat Singh, V.P.O. Bas, Teh: Hansi, Distt. Hissar, Punjab.
2. Shri Devi Parshan, s/o Mala of V.P.O. Bapora, Teh: Bhiwani, Distt. Hissar (Punjab).
3. Kulda Ram, s/o Mehar Chand, V. Deroli Ahir, Teh: and Distt. Mohinder Garh (Punjab).
4. Paramjit Kumar, s/o Amar Nath, House No. 55, Sector 8-A, Chandigarh.
5. Ratan Singh, s/o Kanshi Ram, V. & P.O. Kungar, Teh: Hansi, Distt. Hissar, Punjab.
6. Bhartu Ram, s/o Toli Ram, Harijan of Charkhi Dadri, Distt. Mohindergarh (Punjab).
7. Sudhan, s/o Imarta, Harijan, Vill. & P.O. Manheru, Teh: Charkhi Dadri, Distt. Mohindergarh, Punjab.
8. Manohar Lal, s/o Shri Murli Dhar, Moh: Chiri Palan, Bazar Bichla, Bhiwani, Distt. Hissar, Punjab—*Respondents.*

SUB.—An Election Petition calling in question election of Respondent No. 1, as a member of Mohindergarh Parliamentary Constituency of the House of People of Indian Parliament, the result of which was declared on 27th February 1962 and claiming a declaration that the petitioner has been duly elected.

Sir,

The petitioner begs to state as under:—

(1) That the petitioner was one of the contesting candidates at the election to the Mohindergarh Constituency of the House of the People held on 24th February, 1962 and is entitled to present this application to question the election of Shri Yudhvair Singh, Respondent No. 1, who was declared elected on 27th February, 1962 and to claim a declaration that he himself has been elected instead.

(2) That the respondents' Nos. 2 to 8 were the other candidates who contested at the aforesaid election.

(3) That the counting of votes took place at the undermentioned places on the dates noted against each:—

Hansi	25th February, 1962 and 26th February, 1962.
Bhiwani	25th February, 1962.
Charkhi Dadri	25th February, 1962.
Mohindergarh	25th and 26th February, 1962.
Narnaul	25th February, 1962.

The counting was consolidated by the Returning Officer at Narnaul on 27th February, 1962.

(4) That the total number of votes polled by each candidate as announced at Narnaul after the completion of the counting are given below:—

(i) Yudhvair Singh (elected candidate)	..	105027
(ii) Ram Kishan—the petitioner	..	93763
(iii) Devi Prashan, Respondent No. 2	..	32039
(iv) Kulda Ram, Respondent No. 3	..	21189
(v) Paramjit Kumar, Respondent No. 4	..	16676
(vi) Ratan Singh, Respondent No. 5	..	15902
(vii) Bhartu Ram, Respondent No. 6	..	10120
(viii) Sudhan, Respondent No. 7	..	8114
(ix) Manohar Lal, Respondent No. 8	..	7269

The total number of rejected Ballot Papers was 11,888.

(5) That the election of Shri Yudhvair Singh, Respondent No. 1, the successful candidate is void and is liable to be declared void on the following grounds:—

(a) (i) That the nomination paper of Shri Devi Parshan, Respondent No. 2 was improperly accepted by the Returning Officer, Mohindergarh Parliamentary Constituency because Shri Devi Parshan was disqualified for being chosen and for being a member of the House of the People, as on the date of his nomination and afterwards he was holding an office of Profit under the Government of India as Lower Division Clerk in the Ministry of Rehabilitation, posted at Rohtak, (Punjab); and but for the improper acceptance of this nomination paper, the petitioner would have got the majority of votes. In any case this acceptance of Shri Devi Parshan's Nomination Paper is a clear non-compliance with the provisions of law relating to qualification and disqualification and this non-compliance having materially affected the result of the Respondent No. 1's election makes it void.

(ii) That the nomination paper of Shri Paramjit Kumar, Respondent No. 2, was improperly accepted as he was not an Elector for any Assembly or Parliamentary Constituency in India and the relevant part of the Elector Roll produced by Shri Paramjit Kumar at the time of scrutiny relates to one Paramjit Kumar, s/o Jagat Ram and it does not tally with description given by him in his Nomination paper. In any case this acceptance of Shri Paramjit Kumar's Nomination Paper is a clear non-compliance with the provisions of law relating to qualification and disqualification and this non-compliance having materially affected the result of the Respondent No. 1's election makes it void.

(iii) That the nomination paper of Shri Bhartu Ram, Respondent No. 6 was improperly accepted by the Returning Officer, Mohindergarh Constituency, as the thumb mark of the proposer on the nomination paper was not attested as required by Rule 2(1) of the Conduct of Election's Rules, 1961, the Returning Officer, acted illegally in attesting the thumb impression of the proposer later on in his absence. The proposer even did not present himself before the said Officer at the time of filing the Nomination Papers. In any case this acceptance of Shri Bhartu Ram's Nomination Paper is a clear non-compliance with the provisions of law relating to qualification and disqualification and this non-compliance having materially affected the result of the Respondent No. 1's election makes it void.

(iv) That the Returning Officer improperly accepted the Nomination Paper of Shri Sudhan, Respondent No. 7 as his nomination paper was not completed as required by the provisions of section 33, of the People's Representative Act. The signatures of Shri Sudhan, Respondent No. 7 on the other Nomination Papers filed by him, also materially differ from each other including this one and seem to be bogus. In any case this acceptance of Shri Sudhan's nomination paper is a clear non-compliance with the provisions of law relating to qualification and disqualification and this non-compliance having materially affected the result of the Respondent No. 1's election makes it void.

(v) That the Returning Officer without any authority and contrary to the provisions of the Representation of the People's Act and the Rules made thereunder disallowed the withdrawal of Shri Manohar Lal, Respondent No. 8 who had made an application of this purpose through his Election Agent-cum-Proposer Shri Ramnij Dass, who was duly authorised to do the same. This irregularity has materially affected the result of the election in favour of Respondent No. 1 as Shri Manohar Lal Congressman and had applied for Congress Ticket also.

That the petitioner would have secured the majority of votes also if the nomination papers of Shri Paramjit Kumar, Bhartu Ram, Shri Sudhan would have

been rejected and the nomination paper of Shri Manohar Lal would have been allowed to be withdrawn. The detailed particulars about Shri Devi Parshan, Paramjit Kumar, Bhartu Ram, Sudhan and Manohar Lal are given in the Annexure Marked "A".

(b) That the Presiding Officers on the Polling Stations given in the Annexure marked "B" kept the Polling Station open for casting of votes upto 9 P.M. and during this period viz. from the closing hour (i.e. 5 P.M. to 9 P.M. Voters were marked "B" kept the Polling Station open for casting of votes upto 9 P.M.

(c) That the Presiding Officers and the Polling Staff on the Polling Stations given in Annexure "C" marked the Ballot Paper themselves in favour of Respondent No. 1 and a large number of votes of absentees and dead persons who did not exercise their right of franchise were cast.

(d) That the Assistant Returning Officers at Bhiwani and Mohindergarh excluded the counting agents of the petitioner at the time of counting on 25th February, 1962 while the Assistant Returning Officer at Hansi accepted as valid votes Ballot Papers which did not bear the mark indicating the votes cast. Moreover the Assistant Returning Officer, Hansi improperly rejected most of the valid votes of the petitioner. The counting and the scrutiny at counting was done by 64 Assistants of the Assistant Returning Officer and it was physically impossible for the petitioner or his counting agents to know and vote the particulars of the improperly accepted and rejected votes. The particulars can be submitted after inspection for leave to which the petitioner prays. The counting at other places was also done by the same number of Assistants and it was impracticable for the petitioner and his counting agents at those stations to properly watch and scrutinize the counting of the Ballot Paper. The petitioner believe that if the improperly rejected and improperly accepted votes are included and taken out respectively and the Assistant Returning Officers with their Assistants would have acted lawfully the petitioner would have secured the majority of votes and the result of the Election has been materially affected by the aforesaid material irregularity.

The Returning Officer, Narnaud, in contravention of the provision of the Rules 63, Sub-Rule 1 & 2 acted illegally in rejecting the application of the petitioner for recounting and re-examination of the aforesaid constituency. The Returning Officer wrongly assumed that the result of the seat for the Mohindergarh Constituency of the House of People had already been declared at the respective counting places by the Assistant Returning Officers. The Returning Officer totally ignored the facts that it were the particulars under Sub-rule 2 of Rule 57 of the conduct of Election Rules 1961 which were announced by the Assistant Returning Officer and no result of Election had been declared before the application was made. The R.O. under wrong assumption of the provisions of law failed to exercise discretion vested in him.

The Petitioner in the circumstances mentioned above prays for general scrutiny and recounting of votes. A certified copy of the application along with order of the Returning Officer is attached at Annexure No. 1.

(e) (i) That Shri Yudhvir Singh, Respondent No. 1 committed a major corrupt practice by appointing Shri Sadhu Ram of Vill. & P.O. Bas, Teh. Hansi, Distt. Hissar, a Government Official as his Polling Agent and at Polling Station Base No. 80 in the Narnaud Assembly Constituency. And thereby obtained the assistance of the Government Servant in the furtherance of his election as he acted there as Polling Agent of Shri Yudhvir Singh, the returned candidate at the time of Polling at the aforesaid station. Full particulars of his being a Government servant are in Annexure "D". Certified copy of the Form No. 10 pertaining to the above appointment is marked as Annexure No. 2.

(ii) Respondent No. 1 has been guilty of the corrupt practice of promoting hatred between different classes of citizens of India from the basis of religion assuming and giving out to the Electorate that Jan Sangh followers amongst the Hindus were the real Hindus and Congress followers amongst the Hindus were non-Hindus and worse than Muslims as the Congress Hindus are killers of the cow, the more sacred animal for the Hindu—their Mata.

The Respondent No. 1 almost at every place in the Constituency gave it out throughout his election campaign beginning from 20th January, 1962, till the Polling date, in most vehement and strong term and to give strength to his words distributed posters depicting in them cows being killed and showed Cinema Pictures to strengthen his view.

The copy of Poster marked as Annexure '3' is enclosed herewith.

(6) That the petitioner has deposited as Security the sum of Rs. 2,000, the receipt of which is enclosed marked as Annexure No. 4.

It is, therefore, prayed that the Election of Respondent No. 1 be declared as void and the Petitioner be declared to have been elected instead either after recounting or if necessary after proceeding with the trial of other allegations as the case may be and the cost of this petition be awarded to the petitioner against the Respondent No. 1 and any other order by way of relief that may be available may also be made.

Dated: 12-4-1962

RAM KISHEN,
Petitioner.

VERIFICATION

I verify that the contents of Paras Nos. 1 to 4 and 6 are true to my knowledge and the para No. 5 is true to my information received and believed to be true.

Verified at Delhi this 12th day of April, 1962.

Encls: Annexure A to D and 1 to 10.

RAM KISHEN,
Petitioner.

ANNEXURE 'A'

(I) That Shri Devi Parshan was employed as a Lower Division Clerk in the Office of District Rent and Managing Officer Rohtak, under the Ministry of Rehabilitation, Government of India. He was holding the Office of Profit under the Government of India on the date of his nomination and was disqualified for being a candidate and his nomination paper was improperly accepted.

(II) That Shri Paramjit Kumar was not an Elector for any Parliamentary Constituency in India and the so called relevant part of the Electoral Roll produced by Shri Paramjit Kumar, at the time of Scrutiny related to one Paramjit Kumar, s/o Jagat Ram and it did not tally with the description given by him in his nomination paper. As a matter of fact Shri Paramjit Kumar is not the son of Jagat Ram but his father's name is Shri Amar Nath.

The certified copies of the Nomination Paper and of the Electoral Roll relating to him have been marked as Annexure '5' and '6'.

(III) That Shri Bhartu Ram presented his nomination paper personally on 27th January, 1962. His nomination was proposed by one Ram Sarup who was not present at that time at Narnaud where the nomination paper was filed. On the Nomination Paper the Thumb Impression of the aforesaid proposer was not attested. It was attested later on in his absence. The certified copy of his nomination paper marked as Annexure '7' is enclosed herewith.

(IV) (a) That Shri Suddhan of Manheru, Respondent No. 7 deposited Rs. 250 instead of Rs. 500 as Security at the time of his nomination paper. He claimed in his nomination to be a member of Scheduled Caste, in support of his declaration about his being a member of the Scheduled Caste. He did not produce any Certificate from the Illaqa Magistrate and his nomination paper without any proof was liable to be rejected for want of the deposit of the required amount of Security.

(b) That Shri Jugal Kishore, the Proposer of Shri Suddhan merely recorded Serial Number 1385 against Column No. 2 of the Nomination Paper. He did not mention to which part of the Electoral Roll, this Number related, as it was not possible, nor it is possible now to find out whether Mr. Jugal Kishore is an Elector or not. This Nomination Paper of Shri Suddhan was liable to be rejected for want of particulars of the Electoral Roll's part and others. Certified copy of his Nomination Paper and Certificate of his being a member of Scheduled Caste are enclosed herewith marked as Annexure '8' and '9'.

(V) That Shri Manohar Lal, Respondent No. 8 presented an application through his Election Agent-cum-Proposer (Shri Nij Das) to withdraw his nomination. Shri Manohar Lal had duly authorised Shri Ramnij Das to withdraw his nomination. Irrespective of the authority Mr. Ramnij Das being the Proposer had also a right to withdraw the nomination. The Returning Officer improperly disallowed withdrawal of Shri Manohar Lal.

RAM KISHEN.

ANNEXURE 'B'

List of Polling Stations where the Polling Officers marked Ballot Papers themselves and votes of absentees and dead persons were cast in Mohindergarh Parliamentary Constituency.

(i) Hansi Assembly Constituency, part of the Mohindergarh Parliamentary Constituency;

Name of Polling Station.	Serial No. of the Polling Station.
Chanot	2
Nalwa	19
Kungar	80
Mundhal Khurd	82, 83 and 84.
Talu	85 and 86.
Sewana	87 and 88.
Badesra	96 and 97.

(ii) Narnaud Assembly Constituency, part of the Mohindergarh Parliamentary Constituency;

Rajli	1
Kapra	18 and 19.
Koth Kalan	20 and 21.
Barsola	22.
Koth Khurd	23.
Kinar	25.
Data	31 and 32.
Bahani Amirpur	51.
Pali	60.
Thurana	61 and 62.
Khanda Kheri	67, 68 and 69.
Bas	78, 79, 80 and 81.
Madan Heri	87.

(iii) Dadri Assembly Constituency, part of the Mohindergarh Parliamentary Constituency;

Sanwar	9 and 10.
--------	-----------

(iv) Kanina Assembly Constituency, part of the Mohindergarh Parliamentary Constituency;

Balkara	18.
Chhotoli	54.
Kanina	67 and 68.

RAM KISHEN,

ANNEXURE 'C'

Name of the Polling Stations where the votes were cast after 5 P.M. till 9 P.M. and the Voters came to cast their votes between this period, in Hansi Assembly Constituency, part of the Mohindergarh Parliamentary Constituency.

Name of the Polling Station	Serial No.
Mundhal	82, 83 and 84.
Talu	85 and 86.
Badesra	96 and 97.

RAM KISHEN.

ANNEXURE 'D'

That Shri Sadhu Ram of Village Bas, Tehsil Hansi, was a Gram Sewak (under Trainee). Shri Yudhvair Singh Respondent No. 1 appointed said Sadhu Ram as his Polling Agent at Polling Station Bas No. 80 in Narnaud Assembly Constituency.

Shri Sadhu Ram being a Gram Sewak was under the Commissioner and as such was Revenue Officer in terms of the Representation of Peoples Act, 1951, Section 123(7). Shri Sadhu Ram acted as Polling Agent of Shri Yudhvair Singh in pursuance of his appointment at Polling Station Bas No. 80.

Certified copy of Form 10 pertaining to appointment of Polling Agent of Shri Sadhu Ram marked as Annexure '10' is enclosed herewith.

RAM KISHEN,

[No. 82/224/62.]

S.O. 1470.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account of his election expenses* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shahzada Ishrat Khokhi Tola (95-Victoria Street) Lucknow.	Lucknow

[No. UP-HP/21/62(17)]

By Order,

C. B. LAL, Under Secy.

New Delhi, the 2nd May 1962

S.O. 1471.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 293 of 1962, presented to the Commission on the 14th April, 1962, under section 81 of the said Act, by Shri Bhowanj Sankar Sen Gupta, residing at Navapalli, Barasat, P.S. Barasat District 24 Parganas, West Bengal calling in question the election to the House of the People from the Barasat constituency of that House of Shri Arun Chandra Guha, son of Kai'ash Guha, residing at Navapalli, Barasat, P.S. Barasat, District 24 Parganas, West Bengal.

THE ELECTION COMMISSION, INDIA,
AURANGAZEB ROAD,
NEW DELHI.

ELECTION PETITION No. 293 of 1962

In the matter of

An Election petition under the Part VI of the Representation of the People Act, 1951 (Act 43 of 1951):

AND

In the matter of

Calling in question the election to the House of the People from the Barasat Parliamentary Constituency in West Bengal, the result having been declared on the 2nd March, 1962.

AND

In the matter of

Sri Bhowani Sankar Sen Gupta son of late Harosit Sen Gupta, residing at Navapalli, Barasat, within the—jurisdiction of Police-station Barasat in the District of 24-Parganas, West Bengal
 Petitioner.

Versus.

Arun Chandra Guha, son of Kailash Guha, residing at Navapalli, Barasat within the jurisdiction of Police-station Barasat, in the District of 24-Parganas, West Bengal
 Respondent.

The humble petition of the petitioner above-named,

Most Respectfully Sheweth:—

1. That during the last General Election held in February, 1962 Barasat Parliamentary Constituency comprised of West Bengal State Legislative Assembly Constituencies namely, Barasat, Habra, Bongaon, Bagda, Bijpur in the District of 24-Parganas and Haringhata and Hashkhali in the District of Nadia.

2. That your petitioner was a candidate for election to the House of the People from the aforesaid Barasat Parliamentary Constituency on the Electoral Rolls, Barasat Police-station in the District of 24-Parganas, Mouza Napara (Navapalli Dakshin), the petitioner was an Elector with serial number 528, this being in Part 129, List of the further amendments (additions and correction) prepared in 1961. Your petitioner was duly nominated and his nomination paper was duly found correct on scrutiny.

3. That the Respondent Arun Chandra Guha was another candidate in the same election for the aforesaid Barasat Parliamentary Constituency and he was an elector, serial number 15 in the Part 129 of the Electoral Rolls of Mouza Napara (Navapalli Dakshin) Police-station Barasat in the District of 24 Parganas. The respondent has been declared duly elected to the House of the People from the aforesaid Barasat Parliamentary Constituency by the Returning Officer, on the 2nd March, 1962.

4. That there was a third candidate Sri Vivekananda Biswas for election to the House of the People from the aforesaid Barasat Parliamentary Constituency but he has not been added as a party in the petition inasmuch as in this petition there is no claim for a further declaration that your petitioner himself or any other candidate than the Respondent has been duly elected and inasmuch as there is no allegation of any corrupt practice against the said Sri Vivekananda Biswas.

5. That the polling for the State Assembly Constituency as well as the Parliamentary Constituency took place in Bongaon, Habra, Haringhata and Hashkhali areas on the 16th February, 1962, the polling in Bijpur area on the 17th February, 1962, the polling in Bagda area on the 19th February, 1962, while the polling in the Barasat area took place on the 22nd February, 1962.

6. That the counting of votes for Haringhata and Bongaon areas was held on the 25th February, 1962; for Hashkhali, Bagda, Habra and Bijpur, on the 26th February, 1962; and for Barasat Area on the 28th February, 1962. The final counting was held on the 2nd March, 1962; and the result of the Election to the House of the People from the Barasat Parliamentary Constituency in West Bengal was declared on the 2nd March, 1962. The Respondent was declared elected to the House of the People from the Barasat Parliamentary Constituency on that day. The Returning Officer declared that the respective candidate had secured votes as follows:—

Sri Arun Chandra Guha	1,88,398
Shri Bhowani Sankar Sen Gupta	1,41,595
Sri Vivekananda Biswas	43,551

10,315 votes were declared invalid and rejected.

7. That the Respondent was a candidate on behalf of the Congress Party and his symbol was "Two Bullocks with the Yoke on". Your petitioner was a candidate on behalf of the Communist Party and his "Symbol" was "Ears of Corn and Sickle" The other candidate Vivekananda Biswas was an independent candidate.

8. That your petitioner submits that on the grounds stated hereinafter the election of the Respondent to the House of the People is void and invalid on—account of the undemocratic and illegal manner in which the election has been conducted namely on account of (a) corrupt practices committed by the Respondent the

returned candidate and/or his agents and/or by other persons with the consent of the returned candidate, the Respondent and also on account of (b) the fact that the result of the election in so far as it concerns the respondent has been—materially affected by (i) non-compliance with the provisions of the Constitution and/or of this Act and/or of the Rules and/or orders made under this Act on account of (ii) improper reception, refusal or rejection of votes and the reception of void-votes and on account of (iii) corrupt practices committed in the interest of the returned candidate by agents of the Respondent.

9. That the Respondent from the very beginning of his election Campaign, deliberately took recourse to exercise undue influence on the electors of the entire Barasat Parliamentary Constituency and attempted to interfere and in fact interfered with the free exercise of the electoral right by a very considerable section of electors. The principal weapon in his armoury during his election campaign was appeal to voters on the ground of Religion. From the very beginning he did not take the other candidate Sri Vivekananda Biswas seriously. In fact, the said Sri Vivekananda Biswas contested the election at the instance of the Respondent and in the latter's interest with the object of splitting the votes that might otherwise be cast in favour of your petitioner. But the Respondent took the contest by the Communist candidate; your petitioner, very seriously from the very start of his election campaign. A leaflet, a copy whereof is annexed herewith and marked Annexure "A"* to the petition for reference at the hearing, was published at the instance of the Respondent, and in this leaflet, annexure* "A" he enumerated some fictitious reasons, why the electors should not vote for the Communist, meaning your petitioner. The leaflet was published specially for the Barasat Parliamentary Constituency and was very widely circulated and distributed throughout the whole Constituency, by the Respondent and by his agents and other persons with the consent of the Respondent under his direction and in his interest.

10. That the leaflet Annexure* "A" was published from the Saraswati Press Ltd., at 32, Acharya Prafulla Chandra Road formerly 32, Upper Circular Road, Calcutta with the name of Sri Sudhir Roy or the Publisher. The Respondent, Sri Arun Chandra Guha was one of the founders of the aforesaid Saraswati Press Ltd., and in 1949 he was a Director thereof. The said Press was started by some members of the Jugantar Party and the Respondent was a prominent leader of the said Jugantar Party. Even now the Headquarters of the Respondent at Calcutta is within the premises of the same Press at 32, Acharya Prafulla Chandra Road. It has not yet been ascertained by your petitioner whether the names of the Respondent appeared in the Board of Directors of the Saraswati Press Ltd., at present, but there is no doubt that even now he wields a great influence on the matter of running the administration of the Press.

11. That Sri Sudhir Roy is the Secretary of the Jana Seva Sangha and is the virtual organiser, if not the Secretary of the Swami Projnanananda Asram at Baro Jagulia within Haringhata Police-station in the district of Nadia, comprised within the Barasat Parliamentary Constituency, Swami Projnanananda was a leader of the Jugantar Party; Sankar Math at Barasat was his centre. The Sankar Math was a centre of the Yugantar Party at Barasat. The Respondent hails from Barasat and was initially a leader of the Yugantar Party there. Some time after the partition of India in 1947 the Projnanananda Asram at Baro Jagulia was established by the Respondent Sri Arun Chandra Guha and the Janaseva Sangh was also started by him. Sri Sailendra Guha Roy and Sree Mahendra Nath Dutt of the Saraswati Press Ltd., are members of the Board of Management of the Janaseva Sangha and also take part in the management of the said Asram at Baro Jagulia. In fact the Saraswati Press, the Janaseva Sangh and the Projnanananda Asram are various organisations run by the same set of people under the leadership of the Respondent.

12. That the leaflet is an election panchayat within the meaning of section 127A of the Representation of the People Act, 1951. The said election pamphlet manifestly contravenes the provisions of the same section 127A of the Act and would not have been published and printed illegally if it were not printed and published by and/or at the instance of the Respondent who has a very great influence on the said Saraswati Press as well as on the said Sri Sudhir Roy.

13. That the said Sri Sudhir Roy who appears to be and is the publisher of the leaflet annexure* "A" actively canvassed for the victory of the Respondent in his election Campaign, was an agent of the Respondent for the purpose of the election; and it was under the direction of and the consent of the Respondent that the said leaflet annexure* "A" was published by Sri Sudhir Roy and printed by Saraswati Press Ltd., Sudhir Roy is practically a personal assistant of the Respondent and was an agent of the Respondent for his election.

*Not printed.

14. That the same leaflet, annexure* "A" was circulated personally by the Respondent on an extensive scale, throughout the entire Barasat Parliamentary Constituency.

15. That your petitioner has learnt from Sri Jnan Ranjan Roy of 17/4, Saokenagar, P.S. Habra, Police-station Habra within the Barasat Parliamentary Constituency and from many others that a meeting was held by the Congress party at Asokenagar on the 26th January, 1962. This was an election meeting and Sri Arun Chandra Guha, the respondent addressed the meeting. In that meeting, he referred to the pamphlet annexure* "A" quoted from the same and said that there would be no God and Religion in the country if he was returned to power, meaning your petitioner. In another meeting held by the Congress Party on the 4th February, 1962 and attended by about 40,000 people, the Respondent circulated this leaflet, annexure* "A". This meeting was held at Habra Maidan and was addressed by the Chief Minister Dr. B. C. Roy. The Respondent also delivered a short speech and said that Bhawani Babu, a Communist was a traitor to his country and would abolish God and Religion. He also raised the slogan: No Vote for the atheist Communist for saving God and Religion. No vote for the Communist who was a traitor to the Country, after quoting from the leaflet annexure* "A".

16. That on the 9th January, 1962, the Respondent went to Gobardanga and held a workers' meeting there. In this meeting, he took large quantities of leaflets, pamphlets and posters including the leaflet annexure* "A" and advised the workers not to worry or get nervous. He said that it was true that the people were dissatisfied with these sufferings and poverty but it was also true that they loved their religion most of all. So, it should be the object of the workmen to convince the people that communists, meaning your petitioner carried on was against God and Religion and that there would be no God and Religion under Communist Rule. He said that he caused a leaflet (showing a copy of annexure* "A") to be published in the name of his friend and the Provincial Congress Committee has also caused other pamphlets to be published. He called upon the workers to distribute these by thousands, to quote from them and show that Bhowani Babu and his men would not keep God and Religion in the country. In that case, he said, there was no doubt that the god loving people of our Country would vote in their thousands against Bhowani Babu and for him (Respondent). He advised the workers to carry out these instructions and report later. Your petitioner got this information from Ramlal Mukherjee of Gobardanga and others.

17. That there were many such public meetings and workers' meetings where Respondent exhorted on the above lines, distributed many leaflets, annexure* "A" and caused them to be distributed by his agent and workers. Particulars will be supplied later on subject to the leave of the Tribunal.

18. That two affidavits sworn by Sri Jnan Ranjan Roy and Sri Ramlal Mukherjee are annexed herewith and marked respectively annexure "B" and annexure* "C" to the petition for reference at the hearing.

19. That the leaflet annexure* "A" has the caption "why you should not vote for the communist". The last line of the leaflet is—"under communist Rule—God, Religion—Nothing will remain". The caption unmistakably refer to your petitioner. The last line of the leaflet clearly asks the voters not to vote for the Communist as in that case the voter casting a vote for the communist will become an object of divine displeasure and spiritual censure. The publication and distribution of this leaflet is an interference or attempt at interference on the part of the Respondent and his agents with the free exercise of Electoral Right of the elector and is a corrupt practice within the meaning of section 123 of the Act. This leaflet was distributed in thousands with the consent of the Respondent and his election agent, as such, corrupt practice was committed within the meaning of the Act.

20. That the leaflet, annexure* "A" also constitutes an appeal by the Respondent and/or his agents and/or by other persons with the consent of the Respondent to vote for the Respondent on the ground of Religion. The Respondent is a Hindu and large majority of—voters in the Barasat Parliamentary Constituency are Hindus. In the public meetings and workers' meetings it was considered that Respondent was not only a Hindu but also had done much in upholding the Hindu Religion by establishing Projnanananda Asram and by carrying on social services through the same, whereas your petitioner according to the Respondent did not have God or Religion and would not tolerate God and Religion under the Rule. It was in this context that the leaflet was quoted from to show that your petitioner

would not tolerate God and Religion under communist Rule. This leaflet was also an appeal to voters to refrain from voting for the petitioner on the ground of his religion and necessarily to vote for the Respondent on the ground of his religion.

21. That the leaflet, annexure* "A" also constituted a corrupt practice under section 123(4) of the Act. This leaflet says at the very outset that the Communists have no allegiance to the country, meaning thereby that your petitioner had no allegiance to his country or in other words, was a traitor to his country. The statement was absolutely false and the Respondent believed that it was false and at any rate did not believe it to be true. Your petitioner in his humble way has striven to dedicate his life for the cause of the liberation and uplift of his country. The Respondent as well as the petitioner had been in jails for long years during the same period as detenué in connection with political struggle for freedom. Even now the petitioner is working for strengthening and defence of the political independence of India and for building economic independence of the country. The statement in the leaflet is a palpable falsehood in relation to the personal character of your petitioner inasmuch as allegiance to one's own country is a factor of his personal character.

22. That your petitioner has further got information from Sri Janhavi Kumar Amin of Aranghata, P.S. Ranaghat, District Nadia, within the aforesaid Baraset Parliamentary Constituency that on the 6th February, 1962 at about 12 noon, the Respondent went to Aranghata in a jeep, visited Dr. Kanailal Dey, a social physician and the Pradhan of the Aranghata Anchal Panchayet, in his dispensary at Aranghata. The said Sri Janhavi Kumar Amin was at that time present in that dispensary. The said Dr. Dey introduced Sri Janhavi Kumar Amin to the Respondent as a member of the Gram Panchayat, whereupon the Respondent sought the help of the said Janhavi Kumar Amin in the election campaign of the Respondent and requested the former to proceed to Purbanagar along with him in the jeep to attend his election meeting scheduled to be held thereon that afternoon. The said Sri Janhavi Kumar Amin declined to proceed thereto as he had other engagements. Thereafter the respondent called him near the jeep or the road and told him that the Communist candidate, Bhawani Sen was a traitor to the country and was an enemy of morality, religion and God. He said that, it was the duty of every patriotic and honest citizen to campaign against Bhawani Babu in the name of morality, God and Religion; so that the electors refrained from voting for Bhawani Babu, if not on any other ground, at least on the ground of his which was atheism and the abolition of religion, the vedic religion; Bhawani Babu was a menace to the society. The respondent further told the said Janhavi Kumar Amin that the latter was a member of the Panchayet and commanded influence over the villagers and should exert his influence so that Bhawani Babu might be defeated at Polls. So saying, the Respondent handed over bundles of life sketch of the Respondent, leaflets annexure* "A" and other pamphlets for distribution among the villagers.

23. An affidavit sworn by the said Sri Janhavi Kumar Amin substantiating the facts stated in the paragraph above, is annexed herewith and marked annexure "D" to this petition for reference at the hearing.

24. That whatever might be the declared policy of the Congress organisation in India as a whole, the leaders of the West Bengal Pradesh Congress Committee had selected Religion and the threat of divine displeasure or spiritual censure as the main weapon in their arsenal for the purpose of the election battle, and the Communist candidates were the principal targets of their attacks. As a matter of fact the entire Congress organisation was geared to appeal to the voters to vote for the Congress candidates on the ground of their religion, and to refrain from voting for the Communist candidates on the ground of their religion. Indeed, the election campaign for the Congress in West Bengal during the General Election held in February, 1962 was the most anti-democratic and reactionary campaign, witnessed in Bengal probably since the birth of the Congress.

25. That Sri Benoy Roy Secretary, Publicity Sub-Committee of the West Bengal Pradesh Congress Committee published a pamphlet in Bengali with the Caption "why we can not vote for the Communist" in which the electors were asked to refrain from voting for communist candidates on the ground of their religion. This pamphlet was extensively distributed by the Respondent and/or his agents and

*Not printed.

other persons with his consent and in the interest of his election throughout the Barasat Parliamentary Constituency. In this pamphlet, under the heading:—

"Communist war against Belief in God and Religion", an appeal was made to the electors not to invite such a grave danger as to allow the Communist Regime to be formed by voting in favour of the Communist. A further appeal was made to the effect that it was to be demonstrated that the anti-national and anti-religious party could not claim to represent even the smallest number of the people, that they were not representatives of any conscious human being. Thereafter, as the date of polling approached, the said Sri Benoy Roy published another pamphlet with the caption "The Real Face of the Communist Party" A copy of the pamphlet is annexed herewith and marked—annexure* "E" to this petition for reference at the hearing.

26. That this pamphlet annexure* "E" was extensively circulated throughout the aforesaid Barasat Parliamentary constituency, shortly before the polling commenced. This pamphlet, annexure "E" was circulated by the Respondent himself who directed the workers and agents throughout the constituency to distribute the same and other pamphlets even in the remotest corner of the said constituency. This pamphlet contained the clear appeal to wipe out the Communist party from the country through the ballot box. The pamphlet called upon the Muslim voters to refrain from voting for the Communist candidate on the ground of his religion and invoked the curse of God on the communists as the wanted to lead the Muslim astray from devotion to Allah Rasul, prayer, fasting and koran-Hadis (according to this Pamphlet, although these allegations are entirely false). By issuing these leaflets the said Sri Benoy Roy acted as the agent of every Congress candidate in the Election and for the matter of that as the agent of the Respondent. By circulating this pamphlet in his constituency himself as well as by his agents and workers with his consent the Respondent committed corrupt practices within the meaning of clauses (2), (3) and (4) of the Section 123 of the Representation of the People Act, 1951.

27. That the appeal to religion, threat of spiritual censure and divine displeasure, false allegation of treachery to the country against the petitioner had the desired effect and the athesisism of the electors to vote for your petitioner in this election died out and large section of electors who had so long actively associated with and campaigned for your petitioner changed their ways and took the decisions of voting for the Congress Candidate on the ground of his religion and for the sake of God and religion and of refraining from voting for your petitioner on the ground of his religion and on the ground of undue influence and threat of divine displeasure and spiritual censure. There were other voters who accepted the allegations of your petitioner being immoral and traitor to the country and refrained from voting for him. Thus it was through resort to these corrupt practices that at the last moment the scale was tipped against your petitioner and your petitioner lost in the election. But for the votes obtained by the Respondents by corrupt practices resorted to by the Respondent himself, his agents and other persons with the consent of the Respondent and in the interest of the Respondent, the defeat of the Congress candidate would have been certain and your petitioner would have obtained majority of votes.

28. That the aforesaid election of the Respondent from the Baraset Parliamentary Constituency is also void inasmuch as the result of the election in so far as it concerns the Respondent has been materially affected by corrupt practices committed in the interest of the Respondent by his agents. The particulars of the commission of corrupt practices by agents of the Respondent will be supplied later subject to the grant of leave by the Tribunal.

29. That the result of the election in so far as it concerns the Respondent who is a returned candidate has been materially affected by innumerable cases of non-compliance with the provisions of the Constitution or of the Act or of the Rules or Orders made under the Act (Act 43 of 1951). Some of these instances are enumerated below:—

- (1) While sealing the Ballot Boxes, the Presiding Officers of all the booths as well as the Polling agents of all the candidates actually signed the identity cards of the ballot boxes and kept them inside the respective ballot boxes, but when, at the time of counting, the ballot boxes were opened it was found that in Box No. 1 in Booth No. 71/73, in Box No. 2 in Booth No. 71/73 and in Box No. 1 in Booth No. 71/76 the identity cards did not contain any

signatures of the presiding officers and polling agents. All these booths are comprised within the Barasat—Assembly Constituency of the Barasat Parliamentary Constituency, your petitioner learnt, an enquiry from the respective Polling agents that when these boxes were sealed after polling these identity cards were kept inside these Ballot boxes.

- (ii) The slip containing the Ballot paper account (Form No. 16) for Booth No. 71/8 of Barasat Assembly Constituency was found to be not really of that booth but it was slip in form No. 16 of a booth of the Bagda Assembly Constituency, found at Alipore during counting of votes of Barasat Assembly Constituency. Bagadah Assembly Constituency is also within Barasat Parliamentary Constituency but the counting of Bagdah Assembly Constituency was held on a different date at Bengaon.
- (iii) In booth No. 70/85, on the counting table No. 16, for Habra Assembly Constituency, 3 Ballot Boxes were found without any inner seals. Your petitioner learnt from the respective Polling agents that the inner seals were placed inside the 3 ballot boxes in question, at the time of sealing of ballot boxes after polling.
- (iv) at the time of counting of votes of the Barasat Assembly Constituency, all the ballot Boxes placed on the counting Tables Nos. 7 and 8 were found to contain inner seals but without the signatures of the Polling agents of your petitioner on them, your petitioner ascertained from the polling agents concerned that signatures of the polling agents were made while putting the inner seals in those ballot boxes after polling.
- (v) the covers containing Ballot paper Account (form No. 16) were duly sealed at the close of the polling in all the booths of the Habra Assembly Constituency. But the Ballot Paper Accounts were brought on the counting tables with seals broken beforehand and placed before the Counting Officers and Counting agents, in open condition.
- (vi) The ink used at the time of polling for marking the ballot papers by the electors was of one kind uniformly and throughout the entire Habra Assembly Constituency. But when the Ballot papers were counted many ballot papers marked with different ink were found in Booths Nos. 70/19, 70/65, and 70/105 of the Habra Assembly Constituency. An examination of the Ballot papers of any one of the booths will demonstrate that all the ballot papers in any one booth were not marked with the same ink.
- (vii) There were irreconcilable discrepancies in the number of ballot papers between the ballot papers for the Parliamentary Constituency and those for the Assembly Constituency. This happened in innumerable booths some of which are mentioned below:—

(1)	(2)	(3)	(4)	(5)
Name of the Assembly Constituency to which the Booth belonged	Booth Number	Total votes cast for Assembly Candidates	Total Votes cast for Parliamentary Candidates	Difference of (4) over (3)
Barasat . . .	71/59	575	674	+99
Barasat . . .	71/36	574	577	+3
Barasat . . .	71/3	510	509	-1
Haringhata . . .	67/42	327	301	-26
Do.	67/11	633	637	+4
Do.	67/18	465	518	+53

Some discrepancies were also detected in the Ballot Boxes of the Habra Assembly Constituency in the following booths:—70/28, 70/31, 70/85, 70/105, 70/40, 70/28 and 70/104.

- (viii) One blank and spurious ballot paper was detected during counting of votes in Booth No. 71/89, Baraset Assembly Constituency. The Ballot paper was numbered 737831 and it contained the seal mark supposed to be by the voter but it contained no name of the candidates nor the symbols.
- (ix) Another blank spurious ballot paper was also detected during counting of votes in Booth 70/78 (Habra Assembly Constituency). This ballot paper also contained no symbols or names of candidates but 3 lines were drawn on it and the Voter's poll mark was stamped on the first line.
- (x) The Presiding Officers of all the Booths in Habra Assembly Constituency and of booths Nos. 71/4, 71/59 of Baraset Assembly Constituency did not allow the polling agents to take the first and the last number of the Ballot papers.

30. That instances cited in the above paragraph are only a few of the many such cases. These are clear indication of two conclusions; (a) there was pilfering of ballot boxes of the Baraset Parliamentary Constituency, opening of ballot boxes in secret during the intervening period between the respective date of polling and the date of counting and replacement of Ballot papers, and there are indications that ballot boxes of different assembly Constituencies were mixed up together during such tampering with ballot papers and ballot boxes.

(b) The secrecy of the ballot vote was infringed and undue influence was brought to bear upon very large number of voters so that those voters might cast their votes in presence of agents of the Respondent on duplicate ballot papers printed for the purpose or on Ballot papers which were brought back outside the polling booth by people who had gone into the booth to cast their votes earlier. The Respondent was a candidate for the Ruling Party and took advantage of the Power of the Ruling Party in committing all these manipulations and malpractices.

31. That the counting was held illegally in contravention of the provisions of the Act and the Rules and orders. The actual counting was made by the Returning Officer of the respective Assembly—Constituencies with 2 or 3 selected assistants at a spot where no counting agents were allowed. Hence the counting was not made in presence of your petitioner or his counting agents. Besides these were following other allegations *inter-alia*:—

- (a) counting agent were not allowed to see the rejected ballot papers;
- (b) counting agents were directed to see behind the official counting Officers on seats from where the counting was not visible.
- (c) only 8 Counting Agents were allowed although there were 16 Counting tables.
- (d) Polling agents were not allowed to take the first and last number of ballot papers used in a booth, in innumerable cases.

32. That a sum of Rs. 2,000 (Rupees two thousand) only has been deposited in the Reserve Bank of India as security for costs of the petition in compliance with section 117 of the Act and the receipt is enclosed herewith.

33. That in these circumstances, your petitioner prays:—

- (a) for an order declaring the election of the Respondent the returned candidate from Baraset Parliamentary Constituency to the House of the People to be void and invalid;
- (b) for an order for costs in favour of the petitioner;
- (c) for such other or further order or orders as may be fit and proper in the circumstances of this case.

And for this act of kindness, your petitioner as in duty bound, shall ever pray.

VERIFICATION

I, Bhawani Sankar Sen Gupta, the petitioner do hereby declare that the statements in paragraphs 1, 2, 3, 4, 5, 6, 7, 18, 12, 29 and 32 that the annexures A,

B, C, D and E are all true to my knowledge, and the statements contained in paragraphs 9, 10, 11, 13, 14, 15, 16, 17, 19, 20, 21, 22, 25, 26, 28, 30 and 31 are true to my information which I verily believe to be true and those in paragraphs 8, 12, 24, 27, 30 and 33 are my submissions in witness whereof; I sign this Verification at Calcutta on this the 11th day of February, 1962.

Sd./- BHOWANI SANKER SEN GUPTA.
11-4-62.

I declare that this is Annexure "B" referred to in the Election Petition. This is true to my knowledge.

ANNEXURE "B"

In the court of the Subdivisional Magistrate, Baraset.

AFFIDAVIT

I, Sri Jnana Ranjan Roy aged about 31 years s/o Sri Panchananda Roy by caste Hindu by occupation business residing at 17/4 Asokenagar P.S. Habra, District 24-Parganas in West Bengal do hereby solemnly affirm and declare as follows:—

1. That I reside at Asokenagar P. S. Habra and carry on business as a contractor.

2. That during the recent General election I attended some Election Campaign meetings held by rival party.

3. That two meetings were announced by the Rival parties on the 26th January 1962 at Asokenagar. I attended the meeting convened by the Congress. I found the other Congress election campaign pamphlets circulated in all meetings in addition to that I noticed that a short leaflet published by one Sudhir Roy a particular friend and enthusiastic supporter of Sri Arun Chandra Guha, the Congress candidate for the Baraset Parliamentary Constituency which included Habra. This leaflet was printed from Saraswati Press known to have been founded and owned *inter alia* by the said Arun Chandra Guha. This leaflet was circulated and caused to be circulated by the said Sri Arun Chandra Guha in that meeting.

4 That I also heard the speech of Sri Arun Chandra Guha in that meeting He said *inter alia*.

Let it be assumed that Criticisms levelled by the Communist candidate Sri Bhawani Sen against us on the ground of high prices and economic sufferings of the people are correct, but even then no Indian can vote for the Communist candidates because he has no allegiance to his country because there will be no God and religion in the country if he is returned to power because under them peasants will lose their lands which will be Nationalised. He referred to the Pamphlet issued at his instance and said that no voter should vote for Bhowani Babu if not for any other ground at least on the ground of religion. After Arun Babu had taken his seat finishing his speech. Haji Mahiuddin another speaker and a muslim religious leader began to speak. He said *inter alia* the communist have no allegiance to religion they are Dogs. No one should vote for these Dogs.

At this there was protests in the meeting when Tarun Kanti Ghosh stopped him and apologised to the audience. This meeting was attended by about two thousand people.

5. That again on the 4th, February 1962, there was a very big meeting attended by about 40000 people at least organised by the Congress. The Chief Minister addressed that meeting. Arun Babu circulated his leaflet in this meeting also. He also delivered a short speech reiterating that Bhowani Babu a communist would abolished God and religion and was a traitor to his country.

Voters should not forget the issues. No vote for the communist for saving the religion no vote for the communists who was a traitor to the country. The other Congress Pamphlets were also widely circulated in that meeting.

That the above statements are true and correct to the best of my knowledge and I sign this affidavit at Baraset on this the 4th day of April, 1962.

Solemnly affirmed before me
by Jnana Ranjan Roy and
identified by Sri B. C. Tarafdar.

JANA RANJAN ROY.

Muktear/Baraset.

Signature of the declarant.

This the 4th day of April 1962.
No. 662 dt. 4-4-1962.

Identified by me.
BIMAL CHANDRA TARAFDAR.
Muktear/Baraset.

I declare that this is Annexure "D" referred to in the Election Petition. This is true to my knowledge

BHAWANI SANKER SENGUPTA.

11-4-62.

ANNEXURE "D"

In the Court of Magistrate 1st Class Ranaghat Nadia, I, Sri Jhanavi Kumar Amin, son of late Kumud Bandu Amin aged about 30 years, residing at Aranghata, under the P. S. Ranaghat in the district of Nadia do hereby solemnly affirm and declare that

1 I am a resident of Aranghata P. S. Ranaghat Dist. Nadia and the place is within the Baraset Parliamentary Constituency.

2. I am a member of Madhya Aranghata Gram Panchayet and Dr. Kanailal Dey, a local physician who has his dispensary at Aranghata is the Pradhan of Aranghata Anchal Panchayet.

3. On the 6th, February 1962, I went to the dispensary of the Anchal Prodhana Dr. Kanailal Dey at about 12 noon during his stay there Sri Arun Chandra Guha then the sitting M.P. from Baraset Parliamentary constituency accompanied by some persons not known to me came to the dispensary of the same Dr. Dey and talked to him about his (Arun Babu's) election campaign. As was present there Dr. Dey introduced me to Arun Babu as a member of Gram Panchayet. Arun Babu requested me also to help in his election campaign and proceed to Purbanagar with him in his jeep, where a meeting was scheduled to be held that afternoon. I however could not go as I had other engagement.

4 Thereafter Arun Babu took me outside his jeep on the road and handed over to me bundles of pamphlets some containing his life sketch and some explaining why no votes should be given to the communist candidate and some other pamphlets. While I eagerly wanted to go through his life sketch Arun Babu drew my attention to the other leaflet with the caption "why you should not vote for the communist candidate".

5. He said to me that he had got this leaflet published from his Press in the name of one of his friends became very vital questions were involved in this election struggle between him and Bhowani Babu. He said that Bhowani Babu was an atheist and was the enemy of morality, God and Religion. He said that Bhowani Babu though he might be a son of a Hindu was an enemy of the Vedic religion his religion was atheism and his mission was abolition of God, morality and religion. Not only that, Bhowani Babu and his ilk are traitor to the country. He said that it was therefore the duty of every patriotic and religion minded citizen to see that no one vote for Bhowani Babu who was a menace to the society. He told me that I was an influential member of my village and that it was my duty not to vote for Bhowani Babu and to see that no one in my area voted for Bhowani Babu on the ground of his religion if not on any other ground and requested me to distribute the leaflets as widely as possible.

6 The statements in paragraphs 1 to 5 above are true to my knowledge and belief and I sign this affidavit at Ranaghat Court this the 10th April, 1962.

JAHANAVI KUMAR AMIN,
Signature.

Sri Jahanavi Kumar Amin is identified by me.

[No. 82/293/62.]

S. O. 1472.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ram Singh, Village & P.O. Dug, District Jhalawar, Rajasthan.	Udaipur

[No. RJ-P/14/62(5).]

New Delhi, the 3rd May 1962

S.O. 1473.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Achalu Ram, Meghwal Colony, Sardarpura, Road No. 5, Jodhpur, Rajasthan.	Jodhpur.

[No. RJ-P/19/62(1).]

S.O. 1474.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shio Prasad, Mohalla—Piwani Bagh, Baswaria, P.O. Bettiah, District Champaran.	Bettiah.

[No. BR-P/3/62(2).]

S.O. 1475.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of

section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Rewat Mahto, Village Narainpur, P.O. Nawadih, District Hazaribagh, Bihar.	Giridih.

[No. BR-P/45/62(3).]

S.O. 1476.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ram Singh, Village & Post Office Neemrana, Rajasthan.	Alwar.

[No. RJ-P/5/62(2).]

S.O. 1477.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Sumer Singh, Village Oiatto, P.O. Chirawa, District Jhunjhunu, Rajasthan	Bikaner.

[No. RJ-P/20/62(6).]

New Delhi, the 4th May 1962

S.O. 1478.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in

accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ram Swarup, Jan Sangh, Karyalaya, Bhilwara, Rajasthan.	Bhilwara.

[No. RJ-P/15/62(3).]

S.O. 1479.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge his accounts of election expenses within the time required by law* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Khengar, Post Deoli (Auwa), Vlg Marwar Junction.	Pali.

[No. RJ-P/16. 62(4)/37900.]

New Delhi, the 5th May 1962

S.O. 1480.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the **House of the People** from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ram Kallash Pandey, C/o Praja Socialist Party, Nayatola, Patna-4.	Shahabad.

[No. BR-P/36/62(10).]

S.O. 1481.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Enamul Haque, Hearnganj, P.O. & District Hazaribagh.	Hazaribagh.

[No. BR-P/47/62(8).]

S.O. 1482.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Deva Chandra Mauli, Village & P.O. Ulaol, District Monghyr, Bihar.	Begusarai.

[No. BR-P/32/62(4).]

S.O. 1483.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Parduman Pd. Singh, Baghmali, P.O. Hajipur.	Hajipur.

[No. BR-P/9/62(5).]

S.O. 1484.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2, thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri D. Dharmarathnakara, Taluk Board Member, Thoremavu, Nanjangud, (Mysore).	Chamarajanagar.

[No. MY-HP/25/62(1)/34858.]

S.O. 1485.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962, have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any accounts* of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidates	Name of constituency
1	2
Shri R. C. Annaiah, S/o Shri Cheluvalah, D No. 1124, Periyapatna Town, Mysore.	Mysore.
Shri M. Basavaraju, Gandanahalli, K.R. Nagar Taluk, Mysore.	Mysore.

[No. MY-HP/26/62(2)/34744.]

New Delhi, the 7th May 1962

S.O. 1486.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 289 of 1962, presented to the Commission on the 12th April, 1962, under section 81 of the said Act, by Shri Rimal Singh Village Lama, Tehsil Chirawa, District Jhunjhunu calling in question the election to the House of the People from the Jhunjhunu constituency of that House of Shri Murarka Radhey Shayam Ram Kumar, resident of Nawalgarh at present residing at Carmical Road, Bombay.

TO

THE ELECTION COMMISSION, NEW DELHI.

ELECTION PETITION NO. 269 OF 1962

Ridmal Singh son of Shree Chand Singh age 52 years by caste Rajput resident of village Lama, Tehsil Chirawa, District Jhunjhunu, Occupation Cultivator.—
Petitioner.

Versus

1. Shree Murarka Radhey Shayam Ram Kumar son of Shree Murarka Ramkumar Shri Niwas, age about 39 years by caste Valshya, occupation trade resident of Nawalgarh at present residing at Carnical Road, Bombay.

2. Th. Raghubir Singhji son of Rawal Bishan Singhji aged about 49 years, by caste Rajput (Kshastriya) resident of Bissau at present residing at Bissau House, Hawali Sahar Garbi, Khetri Road, Jaipur (Rajasthan).

3. Shree Ghasi Ram son of Shree Jalta Ram aged about 62 years by caste Jat resident of Bas Ghasi Ramka, Post Office, Bagar, District Jhunjhunu, Rajasthan occupation cultivator.

4. Shree Mali Ram son of Shree Laxmichand, aged about 38 years by caste Raigar resident of Raigar Mohalla Nawalgarh, Post Office Nawalgarh District Jhunjhunu, occupation cultivator.

5. Shree Biharlal Bhartiya son of Shree Rameshwar ji Peeramal Arichwal aged about 30 years by caste Brahman resident of Bagar Post Office Bagar Dist. Jhunjhunu, occupation Pandatal.

6. Shree Loyalka Chiranjilal Sri Ram Chandra son of Shree Ram Chandra aged about 62 years by caste Valshya Agarwala resident of Pilani at present residing at Share and Stock Broker Stock Exchange, New Building Appolo Street Fort Bombay, occupation Trade.

7. Shree Ballu son of Shri Salla, aged about 40 years by caste Nilgar Musalman resident of Sikar, District Sikar, Post Office Sikar occupation dying.—*Respondents.*

Election Petition under section 81 of the Representation of People Act, 1951, to set aside election of Shree Murarka Radheyshyam, Ramkumar.

May it please your honour.

The above named petitioner Sheweths as follows:—

1. That the petitioner is an elector in the Jhunjhunu Parliamentary Constituency, his Electoral roll No. being 139 of village Lama Part No. 1(123) page No. 2 of the Pilani Assembly constituency of the Rajasthan Legislative Assembly included in the Jhunjhunu Parliamentary Constituency, and as such he is entitled to submit this election petition under section 81 of Representation of the People Act 1951.

2. That the third general elections for the House of the People, India, were held in the month of February 1962, nomination papers were scheduled to be filed with effect from 13th January 1962 to 20th January 1962, and all the respondents from Number 1 to No. 7 filed their nomination papers. The nomination papers of respondents No. 1 to No. 6 were accepted as valid by the Returning Officer of the said Jhunjhunu Parliamentary Constituency but the nomination paper of Respondent No. 7 was rejected by the said Returning Officer.

3. That the scrutiny of the nomination papers was effected by the Returning Officer on 22nd January 1962, and the actual poll took place on 21st, 23rd and 25th February 1962.

4. That the counting of ballot papers commenced from 26th February 1962 and the result was declared by the Returning Officer on 28th February 1962,

The Returning Officer announced the result as follows:—

	Votes secured.
(i) Shree Murarka Radhey Shyam Ramkumar Respondent No. 1	81,051
(ii) Shree Raghubir Singhji Respondent No. 2	77,591.
(iii) Shree Ghasi Ram Respondent No. 3	71,551.
(iv) Shree Mali Ram Respondent No. 4	24,039.
(v) Shree Biharilal Bhartiya Respondent No. 5	7,805.
(vi) Shree Loyalka Chiranjilal, Ramchandra—Respondent No. 6	6,276.

Valid Votes 2,67,558.

Rejected Votes 12,332.

Tendered Votes 139.

Total votes polled 2,79,890.

5. That as a result of the announcement mentioned in para No. 4 above of the petition, Respondent No. 1, was declared by the Returning Officer to be elected by a majority of 3160 votes from his nearest rival namely respondent No. 2.

6. That the Returning Officer improperly rejected the nomination paper of respondent No. 1, on the ground that his proposer's name did not appear at the serial number mentioned in the Nomination paper.

7. That the Proposer of respondent No. 7 was Shree Abdul Gani whose name appeared in the Electoral Roll of Nawalgarh Assembly constituency at serial No. 96 Part 57 ward No. 15, but by mistake instead of this electoral roll number being given a wrong number based upon the Electoral Roll of the Nawalgarh Municipality was given and his serial Number was mentioned at serial No. 195 ward No. 13. Under section 33 (Clause 4) of the Representation of the People Act, 1951, (hereinafter, referred to as the Act) the Returning Officer was bound to satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper were the same as those entered in the electoral rolls. But the Returning Officer failed in his duty to do so and kept the said nomination paper in his file without scrutinizing the same at the time of the presentation of the said nomination paper and thus the Respondent No. 7 and his proposer were misled to believe that the entries of the nomination paper regarding Electoral Roll numbers of the candidate and his proposer, were correct. The Returning Officer further failed in his duty to permit Respondent No. 7 and his proposer to correct the entries of the nomination paper of respondent No. 7 as provided by the proviso to section 33 clause 4 of the Act.

8. That the Returning Officer however while scrutinizing the nomination papers under section 36 of the Act of the Respondents improperly rejected the nomination paper of respondent No. 7 on 22nd January 1962, on the above mentioned ground.

9. That it is further submitted that the Returning Officer rejected the nomination paper even though no candidate, election agent, of any candidate, or any of the persons present at that time objected to the said nomination paper or to the identity of the Proposer of respondent No. 7.

10. That the defect mentioned by the Returning Officer in his order of rejection, was not a defect of substantial character within the meaning of section 36 clause (4) and hence the rejection of the nomination paper of respondent No. 7 was improper and contrary to law. The Returning Officer could not reject the said nomination paper of respondent No. 7, on the said ground when the said Returning Officer himself failed in his duty to get it scrutinized and corrected under section 33 Clause (4) of the Act.

11. That the proposer of respondent No. 7, was an elector in the Jhunjhunu Parliamentary Constituency and as such the said mistake in the nomination paper was not a defect of substantial character.

12. To the nomination paper of respondent No. 7 was wrongly rejected by the Returning Officer the present election is liable to be set aside under section 101 of the Act.

13. That the election of Respondent No. 1 is void, also on the following grounds:—

- (i) That the counting of ballot papers was done by the Returning Officer on 26th February, 1962, in a Shamiana, put up for this purpose in the Jhunjhunu Police Lines. The counting at first took place simultaneously of Nawalgarh, Jhunjhunu, Pilani and Khetri Assembly constituencies. The counting party was counting the ballot papers at 90 tables. When 90 ballot boxes had been simultaneously opened and the counting was going on, it suddenly started raining in torrents with a hailstorm. The ballot papers got wet and ink spots spoiled the same, ink got sprinkled on the ballot papers, and most of the said ballot papers got ink marks from the mishandling of the ballot papers, by the counting authorities. The ballot papers were collected haphazardly, by the authorities, and without replacing them in the ballot boxes, the counting party, ran, for a pucca covered place. The counting was suspended for about an hour. The Returning Officer was duty bound to take in possession all the ballot papers, which were taken out of the ballot boxes and reseal them as required by Rule 60 of the conduct of Election Rules, 1961, but he failed to do so and rather left them without resealing them in the possession of the members of the counting parties. There were counting agents of Respondent No. 1 and they managed to spoil the votes cast in favour of respondent No. 2, such spoiled votes of respondent No. 2 were about 10 thousand and the Returning Officer later on rejected all of them. In this rule, about 5 thousand ballot papers, which were plain got ink marks and the same were improperly and illegally counted by the Returning Officer in favour of respondent No. 1. Thus non observance of the provisions of the Act and the rules, by the Returning Officer materially affected the result of election.
- (ii) That the Returning Officer committed a serious mistake in rejection of thousand of votes which were cast in favour of candidate respondent No. 2 and 3 and declaring them as invalid votes. The total number of such rejected votes is shown as 12,332 and if a proper scrutiny be made the total number of votes secured by respondent No. 2 and 3 would increase their present number and the respondent No. 2 or 3 is sure to be declared elected in preference to respondent No. 1. In any case the respondent No. 2 is sure to get a large number of valid votes than the number secured by respondent No. 1 and is sure to be elected.
- (iii) That the Returning Officer improperly counted about 10 thousand votes in favour of respondent No. 1 which ought to have been rejected. This has also materially affected the result of election.
- (iv) That the authorities in charge of counting improperly placed about 5 thousand ballot papers in the bundles containing ballot papers cast in favour of respondent No. 1. These five thousand votes were really votes cast in favour of respondent No. 1. The Returning Officer improperly counted these five thousand ballot papers in favour of respondent No. 1. This has also materially affected the result of the election.
- (v) That the counting authorities improperly mixed up about five thousand votes cast in favour of respondent No. 2, with those of respondent No. 3 to 6 and counted the same in their favour. This has also materially affected the result of election.
- (vi) That the Returning Officer notified in the Official gazette the list of the polling station under section 25 of the Act. According to this Notification the voters of Electoral Roll Part No. 33 of the Gudha Assembly constituency, included to cast their votes at Polling Station No. 5 situated at Pukhta Dharamshalla, Bhorki and the voters of electoral roll part No. 34 were to cast their votes at Polling Station No. 6, situated at Gillon ki Dhani in the same constituency, but the Returning Officer in utter disregard of the provisions of the Act and the rules, allowed voters of Electoral roll Part No. 33 to cast their votes at Polling Station No. 6 Gillon ki Dhani and required the voters of Electoral Roll Part No. 34 to cast their votes at Polling Station No. 5 situated at Pukhta Dharamshalla (Bhorki). Due to

this change only out of 910 votes only 450 voters casted their votes at Bhorki Polling Station No. 5 and out of 887 voters only 536 could cast their votes at Polling Station No. 6. Thus in total 986 votes were cast and 812 voters were deprived of their franchise. The votes numbering 986 were void and 812 votes remained unpolled. These circumstances occupied with other factors materially affected the result of election.

- (vii) Polling Stations were duly published as required by section 25 of the Act. In Khetri Assembly Constituency one Polling Station No. 18 was notified at Jesrapur in Thanmal Chunnial Dharamshalla (Daruwalli) on the out skirts of Jasrapur. This Polling Station was changed without any notice from the said Dharamshalla to Durga Ram's Dharamshalla on the other end of Jasrapur. The number of electors who could have voted at this Polling Station was 894. No polling was held at the notified polling station. Voters returned without casting their votes as they did not know of the abrupt change of polling station. If this change would not have taken place large number of voters would have turned to vote in favour of respondent No. 2. The votes cast at the changed polling station are void. This has resulted in material effecting the result of election. The change of the place of the Polling Station was illegal and against the provisions of the act or rules.
- (b) Similarly the venue of Polling Stations were changed from the notified polling stations Babal No. 29 Dharamshalla Tiwariyan (Khetri Assembly Constituency) and P.S. Bissau No. 4 Islamia Madarsa (Mandawa Assembly Constituency) to other places. The voters were thereby misled and they could not cast votes; and votes which were cast were void. Total votes pooled at these changed stations are 510 and 556 respectively, total being 1066. The number of electors at these polling stations are about 900 and 950 respectively, total electors being 1850. The result of the election has been materially affected.
- (viii) That wrong and unauthorised ballot papers were used at Kakrana Polling Station No. 24 (Gudha Assembly Constituency) and at Mandawa Polling Station No. 53 (Mandawa Assembly Constituency). Ballot papers No. 597881 to 598000 were not authorised for use at Polling station No. 53 and Ballot papers No. 596981 to 597100 were not authorised for use at Polling station No. 24 and as such these votes are void (total 240) and this fact coupled with other facts has materially affected the result of election.
- (ix) That the tendered votes cast at the election and which numbered 139 were not taken into account while counting. These tendered votes should have been counted and as such the result of the election (coupled with other facts) has been materially affected.
- (x) That the Returning Officer did not issue any notice to the Electors of the Jhunjhunu Parliamentary Constituency who were posted on election duty. They were 1491 persons (213 Parties, each party consisting of 7 persons). If notices would have been issued to them these persons would have exercised their right of franchise by postal ballots and hence coupled with other facts the results of the election has been materially affected.
- (xi) That every Presiding Officer at the close of the Poll has to prepare a ballot paper account in Form No. 16 and has to enclose it in a separate cover with the words "Ballot Paper Account" subscribed thereon duly signed by him in accordance with the provision of rule 45 of the conduct of Election Rules, 1961; and after counting the ballot papers the counting Supervisor and the Returning Officer has to sign the same after filling the result of counting. But in the following cases the forms do not bear the signatures of the counting supervision and some of them do not bear even the signatures of the Returning Officer. Form No. 16 which was signed by the Presiding Officer

were replaced during the time of counting by the authorities concerned as is evident from the following facts:—

- (i) Form No. 16 of Polling Station No. 44 (Chirawa) Pilani assembly constituency No. 13 (Dholakhera) and No. 24 (Kakrana) Sudha Assembly Constituency, do not bear signatures of the Presiding Officers.
- (ii) In Gudha Assembly Constituency, the Original Printed Form No. 16 of Polling Station No. 5 has been replaced by a paper written in hand.
- (iii) In Gudha Assembly Constituency at Polling Station No. 11, the Printed Form No. 16 has been tampered with and even so much so that a new paper has been pasted over the Form.
- (iv) In Khetri Assembly constituency, Form No. 16 of Polling Station No. 53, 54 and in Surajgarh Assembly Constituency Polling Station No. 53 the signatures of the Counting Supervisors are missing.
- (v) At Polling Station No. 22 of the Nawalgarh Assembly Constituency the Form No. 16 has not been signed by the Returning Officer.

All the above facts show that the result sheets have been tampered with at the time of counting by the Authorities entrusted with the duties of the counting, to give lead to respondent No. 1 over his nearest opponent respondent No. 2, so that the respondent No. 1 may be declared successful. As a result of the tampering made in the papers of counting the result of the election has been materially affected. Otherwise respondent No. 2 who had secured the largest numbers of votes would have succeeded in the election.

- (xii) That the Returning Officer suspended counting on the night of 26th February 1962 at about 11 p.m. in the night and recommenced counting at 9 a.m. on the morning of 27th February 1962. During the suspension of counting the counted as well as the doubtful ballot papers were not resealed as required by Rule 60 of the conduct of Election Rules, 1961 and there was a tempering in favour of respondent No. 1 during the time of suspension of counting, so also on the morning of 28th February at about 5 a.m. the Returning Officer suspended and adjourned the counting of votes, for a period of 5 hours. At that time of suspension there were about eighteen thousand votes which were put apart by the counting authorities as doubtful. The Returning Officer did not seal these doubtful votes at the time of adjourning the counting at 5 a.m. on 28th February 1962, as required by Rule 60 of the conduct of Election Rules, 1961. The counting as well as the election agents of respondents No. 2 to 6, came back from the counting place. During these five hours the doubtful ballot papers, were tampered with in favour of respondent No. 1 and seals affixed against his name in the said ballot papers. Such ballot papers were about six thousand in number.

14. That the respondent No. 1 committed the following corrupt practices:—

(a) That he has submitted false return of Election expenses and that he has incurred far greater expenses than Rs. 25,000 as prescribed in Rule 90 of the conduct of Election Rules 1961. The Respondent No. 1 has committed the corrupt practice of incurring or authorizing expenses in contravention of section 77 of the Representation of People Act, 1951. In particular the petitioner submits that the following expenses have either not been recorded or not correctly recorded.

(b) That the respondent No. 1 has given Rs. 5,000 to each of the 8 Congress candidates for the Rajasthan Legislative Assembly in Jhunjhunu Parliamentary Constituency for furthering the cause of his election of the Parliamentary seat and this item of expense alone amounts to Rs. 40,000 which has not been shown in the account of election expenses filed by respondent No. 1.

(c) That the respondent No. 1 wishing to stand on a Congress ticket had to deposit with his application Rs. 1,000 by way of subscription and which he had paid to the Congress party for furthering the prospects of his candidature.

(d) The respondent No. 1 purchased and procured not less than 30 brand new jeeps, 2 Brand new Station wagons and used them for his election purposes in Jhunjhunu Parliamentary constituency. Besides these new vehicles, the respondent No. 1 had used one old Buick Car and 10 hired jeeps for his election, and respondent No. 1 has knowingly not shown expenses incurred in this connection, mentioned as follows:—

(i) Depreciation of the cars which he purchased and which he used for his election purposes. Even if normally a new car is purchased and sold after election does not bring more than 75 per cent of the original value and thus the

price of the brand new jeep is Rs. 16,000 and the depreciation of one jeep comes to Rs. 4,000. Depreciation of 30 jeeps is Rs. 1 lac 20,000. Depreciation of 2 station wagons is not less than Rs. 3,000 for each i.e. total amount will be Rs. 6,000 for old buick car the depreciation will be Rs. 1,000.

(ii) Hire of 10 jeeps for 30 days till 28th February 1962 at the rate of Rs. 60 a day i.e. total Rs. 18,000.

(iii) Pay of drivers for his own 30 jeeps and one buick car Rs. 100 a month and cleaner Rs. 60 p.m., Rs. 160 a month, total Rs. 4,960 for a month.

(e) The Petrol expenses incurred by the respondent No. 1 have not been correctly shown in the statement of accounts. The total expenditure on petrol is not less than Rs. 36,000 and mobil oil used for these vehicles must cost not less than Rs. 3,000, total Rs. 39,000.

(f) (i) That the respondent No. 1 had utilised the services of his salaried servants who are employed in his different business concerns for promoting and procuring his election for the period from 19-1-62 to 28-2-62. The number of such persons was 20. The salaries of these persons for the period they were so utilised or employed has not been shown in the return of the election expenses. This amount is near about Rs. 5,000 and it formed a primary part of the expenses in connection with the election.

(ii) Besides the aforesaid fact the respondent no. 1 has incurred expenditure by way of payment of travelling and other expenses of these aforesaid persons for coming to Jhunjhunu and going back to their respective places after completion of his election work but no amount what so over in this connection has been shown in the return which is essential expenses in connection with the election and which also amounts to Rs. 200 per man, total being Rs. 4,000.

(g) (i) That the respondent No. 1 has held election meetings in Jhunjhunu Parliamentary Constituency in different dates from 19th January 1962 to 19th February 1962, at following places where all arrangement for (a) Lights, (b) furniture, (c) Loudspeakers, etc. necessary for such meeting were made by him and expenses incurred for the same have not been shown and such expenses would be about Rs. 10,000.

Places:—

Jhaunjhunu, Bagar, Ked, Salampur, Badagaon, Kali Pahadi, Pilani Chirawa, Mandrolla, Sultana, Surajgarh Rajda, Buhana, Khetri, Balai, Singhana, Gudha, Titauwad, Bajawa, Udaipur, Chirana, Nangal, Bhorki, Nawalgarh, Mukandgarh, Dundlod, Bay, Menawas, Togda, Dahdi, Kari, Jajhad, Parasrampura, Mandawa Bissau Gangiasar, Mahansar, Niradhuu, Tamkor, Alsisar, Malsisar, Dhanuri, Laduar, Nua, Tain, Patoda Bhojasar, Jeetas, Churi, Ajeetgarh, Fatehpur, Ramgarh.

The respondent no. 1 has spent about 10,000/- for such meetings.

(ii) It is further submitted that Shri Morarji Desai had come to sponsor the cause of election of respondent No. 1; and respondent no. 1 had arranged public meetings at the following places where Shri Morarji delivered public speeches on the dates mentioned against them.

- (1) Nawalgarh—29th January 1962.
- (2) Mandawa—29th January 1962.
- (3) Jhunjhunu—29th January 1962.
- (4) Bissau—30th January 1962.

All expenses in connection with the organisation of these meetings and fooding for Shri Morarji and his party were incurred by respondent No. 1. Leaving aside the expenses of meeting, the other expenses for these parties could amount to Rs. 5,000.

(h) The respondent no. 1 was running two big messes (1) at Jhunjhunu and (2) at Nawalgarh towns, for his supporters, workers, in his election work. In the beginning i.e. from 29th January 1962 about 50 persons were taking their meals both the times in each of the two aforesaid messes. Later on the number of these persons increased and these rose to the figure of at least 200 persons per day. Thus on the average 100 persons took meals in each of these messes. For running one mess for the purpose the respondent No. 1 incurred expenses of about Rupees 6,000 and thus the total expenses for both the messes was Rs. 12,000.

15. That the result of election was declared on 28th February 1962 and the present petition is being presented within 45 days of the same, and is within limitation.

16. That a deposit of Rs. 2000 in favour of the Election Commission has been made by the petitioner in the Government Treasury at Jhunjhunu as security deposit for the present petition is required by section 117 of the Act, as per challan No. 1 of 9th April, 1962 enclosed.

17. The Petitioner therefore prays that:—

- (i) The election of respondent No. 1 may be declared as void;
- (ii) After recounting and scrutiny of ballot papers the respondent No. 2 may be declared as duly elected candidate for the Jhunjhunu Parliamentary Constituency;
- (iii) The respondent No. 1 be declared disqualified under section 140 of the Act, for committing the corrupt practice;
- (iv) The costs of the petition be awarded to the petitioner;
- (v) Any other relief which the Tribunal thinks proper under the circumstances, may also be granted.

Petitioner.

Ridmal Singh, s/o. Shri Chand Singh,
by caste Rajput r/o. Lama Teh. Chirawa
District Jhunjhunu (Rajasthan).

Dated 11th April 1962.

VERIFICATION

I, Ridmal Singh son of Shree Chand Singh r/o. Lama Tehsil Chirawa Distt. Jhunjhunu age 52 years by caste Rajput, the above named petitioner do verify on oath on this day of 11th April, 1962 at Jhunjhunu that averments contained in para No. 1 to para No. 6, 14 (a) (d) (e) (f) (g) (ii) of the petition are true to my personal knowledge & averments in paras Nos. 7, 8, 9, 10, 11, 12, 13, 14, (b) (c) (g) (i) (h) 15, 16, & 17 are verified to be true on the basis of advice and information received by me from legal and various sources.

Ridmal Singh.
[No. 82/269/62.]

S.O. 1487.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 295 of 1962, presented to the Commission on the 14th April, 1962, under section 81 of the said Act, by Shri Balji son of Suleman, Near Idga Masjid, Sikar Town, Rajasthan, calling in question the election to the House of the People from the Jhunjhunu constituency of that House of Shri Murarka Radhey Shyam Ramkumar son of Shri Ramkumar Murarka, Tibra Guest House, Jhunjhunu, Rajasthan.

TO

THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 295 OF 1962

Balji son of Suleman, by caste Musalman, aged 55 years, resident of Sikar Town, Near Idga Masjid, Rajasthan—*Petitioner.*

Versus

Shri Murarka Radhey Shyam Ramkumar, s/o Shri Ramkumar Murarka resident of Nawalgarh, Address given to R.O. Tibra Guest House, Jhunjhunu, Member elect to the Parliament from Jhunjhunu Constituency in Rajasthan—*Respondent.*

Election Petition to Challenge the election of the respondent to the Parliament from Jhunjhunu Constituency in the State of Rajasthan under the Representation of the People Act, 1951.

May It Please Your Honour,

The petitioner oegs to submit as follows:—

(1) That the petitioner is a resident of Sikar Town and enrolled as an elector in the Parliamentary Constituency in ward No. 14 of Sikar Town. Petitioner was a candidate for the Parliamentary seat from Jhunjhunu constituency in the State of Rajasthan and his nomination paper was proposed by one Shri Abdul Gani, resident of Nawalgarh in District Jhunjhunu.

(2) That the petitioner's nomination paper was filed with the Returning Officer on 19th of January, 1962, at 2.58 p.m. in the office of the Collector and the same was received by the Assistant Returning Officer.

(3) That a receipt of the nomination paper was given under the signature of the Assistant Returning Officer to the petitioner who himself personally presented his nomination paper to him. In the receipt so given by the Assistant Returning Officer on 19th of January, 1962, at 2.58 p.m. in the office of the Collector and the was given in that receipt for the scrutiny of the nomination paper was 2.58 p.m. The place fixed for this purpose was the office of the Collector, Jhunjhunu.

(4) That on 22nd of January, 1962, which was fixed for the scrutiny, the petitioner along with his proposer reached the office of the Collector at about 1.30 p.m. On reaching the office of the Collector, the petitioner came to know that his nomination paper was already rejected by the Returning Officer after scrutinising the same. The petitioner tried to make enquiries about the reasons on which the nomination paper was rejected but the Returning Officer refused to disclose any reason and also refused to supply a copy of his decision to the petitioner.

(5) That the petitioner again tried to obtain the copy of the order of the Returning Officer whereby he rejected the nomination form of the petitioner but every time when he tried, to get the copy, he was refused by the Returning Officer. Thereupon, a telegram was sent to Shri K. V. K. Sundaram, Chief Election Commissioner, New Delhi and Shri G. K. Bhanot, Chief Electoral Officer, Jaipur, on 25th of January, 1962, but the petitioner received no reply from any of the aforesaid two officers.

(6) That on 5th of February, 1962, the petitioner sent an application to Shri K. V. K. Sundaram, Election Commissioner, Government of India, New Delhi, lodging his complaint about the attitude of the Returning Officer in not supplying the copy of his order to him and therein he expressed his apprehension about the foul play in the matter. The petitioner had already made application to the Returning Officer on the day of scrutiny to supply him the copy of the nomination paper and the order of rejection made by the Returning Officer, but on that day the application of the petitioner was returned. Thereafter again the petitioner applied for the copy of the nomination paper and the order given by the Returning Officer and it was on that subsequent application that a copy of the nomination form along with the order of the Returning Officer was supplied to the petitioner on 6th March 1962.

(7) That it was on the perusal of the order of the Returning Officer dated 22nd of January, 1962, that the petitioner came to know that his nomination paper was rejected on the ground that the electoral roll number of the proposer was not correctly given in the nomination form. He, therefore, held that the wrong particulars in respect of the electoral roll number of the proposer supplied in the nomination form constituted a defect of a substantial character and, therefore, nomination paper of the petitioner was rejected *ex-parte*.

8. That the order of the Returning Officer is illegal and *mala fide* on the following grounds:—

(a) That at the time of the presentation of the nomination form, the Assistant Returning Officer after tallying the numbers of the electoral roll both for the candidate and the proposer, was satisfied about their names being entered in the electoral rolls.

(b) That the time which was specified in the receipt of the nomination paper for holding the scrutiny on 22nd of January, 1962, was 2.58 p.m. which led the petitioner and his proposer to believe that the scrutiny of his nomination form shall not take place before the time appointed by the Assistant Returning Officer. However, the Returning Officer did not keep the time and he scrutinised the nomination paper at the back of the petitioner and his proposer and rejected the same without giving any finding as to whether or not the proposer is a voter in the Parliamentary constituency from Nawalgarh town.

(c) That the Returning Officer purposely kept the petitioner and his proposer in dark about the time of scrutiny and took the advantage of the petitioner's absence in rejecting a valid nomination paper duly proposed by a duly qualified proposer.

(d) That the Returning Officer has committed an illegality in describing the supply of wrong particulars as a defect of a substantial character. In the absence of any finding by the Returning Officer about the fact that the proposer is not a voter in the Parliamentary constituency from Nawalgarh town, the defect pointed out by him on the basis of which the nomination paper is rejected is a mere technical defect of unsubstantial character. Under the circumstances referred to above, the rejection of the petitioner's nomination paper is *mala fide*.

(9) That the petitioner has deposited a sum of Rs. 2000 in the Government Treasury in favour of the Election Commission as security for costs of the petition under section 117 of the Representation of the People Act, 1951.

(10) That the relevant documents shall be submitted to substantiate the allegations made herein above before the Election Tribunal.

(11) That the result of the election was declared on 28th of February, 1962, and, therefore, the petition is being presented within 45 days from the aforesaid date.

It is, therefore, prayed that the election of respondent be declared void and the costs be awarded to the petitioner.

Humble Petitioner,
BALJI

VERIFICATION

I, Balji son of Suleman, by caste Musalman, aged 55 years, resident of Sikar, Near Idga Masjid, Rajasthan do verify on solemn affirmation that the contents of the above petition from paras 1 to 11 are true to my personal knowledge. Nothing therein mentioned is false. So help me God.

BALJI

Copy of decision of rejection of nomination form of Shri Balji a candidate for Jhunjhunu Parliamentary Constituency in the office of the Returning Officer (D. M.) Jhunjhunu.

True copy.

Sd/- Asstt. Returning Officer
(Jhunjhunu Parliamentary Constituency, Jhunjhunu)
4th March 1962.

Reasons for rejection of nomination paper of Shri Balji a candidate for Jhunjhunu Parliamentary Constituency.

1. The scrutiny of nomination paper commenced at 11 a.m. on this date and during the scrutiny and till the termination of the scrutiny neither the Candidate Balji nor his proposer Abdulgani nor any election agent or representative on his behalf attended.

2. The proposer has given his electoral Roll No. as 105, ward No. f3 (Nawalgarh). The name of Atma Ram/Ram Gopal appears in the relevant electoral Roll against these particulars.

3. The wrong particulars given by the proposer Abdulgani constitute a defect of a substantial character. The nomination paper, therefore, is rejected.

4. All present at the time of Scrutiny were given full opportunities to examine the nomination form before the final decision was given.

Sd/- Asstt. Returning Officer,
(Jhunjhunu Parliamentary Constituency, Jhunjhunu).

Date 22nd January 1962.

(Seal)

True copy.
Sd/- Asstt. Returning Officer,
(Jhunjhunu Parliamentary Constituency, Jhunjhunu)
[No. 82/295/62.]

New Delhi, the 8th May 1962

S.O. 1488.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 177 of 1962, presented to the Commission on the 11th April, 1962, under section 81 of the said Act, by Shri Ek Narain Lal Das, son of Shri Janardan Lal Das, resident of village and P.O. Balua Bazar, P. S. Chhatapur, District Saharsa, calling in question the election to the House of the People from the Saharsa constituency of that House of Shri Bhupendra Narain Mandal, son of Shri Jai Narain Mandal, resident of village and P. O. Ranipatti, P.S. Murliganj, District Saharsa.

IN THE COURT OF ELECTION TRIBUNAL.

Through,

The Election Commissioner of India, 1, Aurangzeb Road, New Delhi.

ELECTION PETITION No. 177 OF 1962

In the matter of an election petition under sections 80 and 81 of the Representation of the People Act, 1951.

AND

In the matter of an election petition challenging the election of Saharsa Parliamentary Constituency of the House of the People.

AND

In the matter of

Shri Ek Narain Lal Das, son of Shri Janardan Lal Das, resident of village and P.O. Balua Bazar, P.S. Chhatapur, District Saharsa.—*Petitioner.*

Versus.

1. Shri Bhupendra Narain Mandal, son of Shri Jai Narain Mandal, resident of village and P.O. Ranipatti P. S. Murliganj, District Saharsa.

2. Shri Ram Anugrah Jha, son of Shri Hariandan Jha, resident of village Murajpur P.O. Murajpur P.S. Dharhara, District Saharsa.

3. Shri Lalit Narain Mishra, son of Shri Ravi Nandan Mishra, resident of village and P.O. Balua Bazar, P.S. Chhatapur, District Saharsa.—*Respondents.*

The humble petition on behalf of the above named petitioners.

Most Respectfully sheweth:—

1. That the petitioner is a voter having serial No. 172, Part 56, of the Saharsa Parliamentary Constituency of the House of the People and is entitled to file this election petition under section 81 of the Representation of the People Act, 1951.

2. That the election of the Saharsa Parliamentary Constituency was held in accordance with the following programme:—

Dates for filing Nomination

Papers— 13-1-62, to 20-1-62.

Date for scrutiny of the

Nomination Papers— 22-1-62.

Dates for Poll 18-2-62, 21-2-62.

and 23-2-62.

Dates for Counting— 26-2-62.

and 27-2-62.

Date on which the result was declared—28-2-62.

3. That the Saharsa Parliamentary Constituency was constituted with the areas of the Kishanpur, Raghopur, Tribeniganj, Singheshwar Madhepura and Saharsa constituencies of the Bihar Legislative Assembly and the polls of the said constituencies took place simultaneously.

4. That the three Respondents were the candidates for the election of the Saharsa Parliamentary Constituency and their nomination papers were accepted by the Returning Officer of the said constituency on the 22nd January, 1962.

5. That after the counting was over the Respondent No. 1 was declared elected on 28th February, 1962.

6. That the election of Respondent No. 1, was illegal and void.
7. That the Respondent No. 3, was a sitting member of Parliament since 10 years and because of his long sacrifices and services to the people of the country he is very popular in his constituency.
8. That the counting of the votes of the area of Singheshwar, Madhepur and Saharsa constituency of Bihar Legislative Assembly were done by the staffs who were very much interested with the election of Respondent No. 1 and they mixed large number of ballot papers of Respondent No. 2, and 3, with that of the ballot papers of Respondent No. 1.
9. That the counting agents of the Respondents for counting of votes of the said area were kept at distant places from the place of the counting and they were not allowed to look into the ballot papers which were sorted out by the counting staff as a result of which the ballot papers of the Respondent No. 2 and three were mixed with the ballot papers of Respondent No. 1, in order to secure his success.
10. That large number of ballot papers polled in favour of the Respondent No. 3, in those areas were wrongly rejected and the counting agents of the Respondent No. 3, were not given opportunity to see those ballot papers and raise objection before it was declared to be invalid. The counting of the ballot papers was done contrary to the provisions of section 64, of Representation of the People Act, 1951, and Rules 56 and 57, of the conduct of Election Rules, 1961.
11. That if the counting would have been done properly and in accordance with law the Respondent No. 3 would have been declared elected by majority of valid votes.
12. That against the illegal and wrong counting of ballot papers complaints on behalf of respondent No. 3, were made with a prayer for re-counting since no opportunity of objection regarding re-counting was given to the Respondent No. 3, and his agents.
13. That the nomination paper of Respondent No. 2, was improperly accepted since he was disqualified under Article 101(i) (a) of the Constitution of India for holding an office of profit under the Government of Bihar.
14. That respondent No. 2, who has not ceased to be a Government servant was disqualified to be nominated as a candidate for the said election.
15. That respondent No. 2, had influence on the same section of voters who were to vote for Respondent No. 3, and hence he divided the votes of the Respondent No. 3, because of which the result of the election was materially affected.
16. That Respondent No. 1, his election agent and his agents with the consent of Respondent No. 1, and his election agent committed several corrupt practices under sections 123(5), 123(3), 123(3-A), and 123(2) of the Representation of the People Act, 1951, as stated below:—
 - (a) That Respondent No. 1, his election agents and his agents with the consent of Respondent No. 1, and his election agent hired and procured vehicles, particularly truck bearing No. B.R.N. 5253, Jeep Car and bullock-carts, and carried the voters from their villages to the polling stations, against which several complaints were lodged by the agents and workers of Respondent No. 3, and at some polling stations such carrying of voters were also seen by the Presiding Officers, and Polling Officers, the full particulars of which are stated in Annexure A, enclosed herewith.
 - (b) That there were appeals by Respondent No. 1, his election agent and other persons with the consent of the Respondent No. 1, and his election agent to vote for the Respondent No. 1, and to refrain from voting for the Respondent No. 3, on the ground of caste and community. Samples of some of such appeals as contained in some of the handbills of the Respondent No. 1, his election agents and other agents, enclosed herewith as Annexures *B-1, B-2 and B-3, and others already filed before the election authorities, were circulated throughout the constituency by them. The full particulars of which have been set forth in Annexure B, enclosed herewith.

- (c) That respondent No. 1 and his agents with his consent threatened and obstructed several voters at several places not to vote for Respondent No. 3, and thereby unduly influenced the voters, the full particulars of which have been given in annexure 'C' enclosed herewith. Against this act of Respondent No. 1, and his agents several complaint petitions have been filed by the workers of Respondent No. 3.

17. That Respondent No. 2, got printed a pamphlet in his own name, enclosed herewith as Annexure* D-1, appealing the voters in the name of caste and community to vote for him. He also distributed and got distributed the said pamphlet throughout the constituency before the date of poll for the furtherance of the prospect of his election which prejudicially affected the election of Respondent No. 3, and thereby materially affected the result of the election. The full particulars of which have been set forth in Annexure 'D' enclosed herewith. In this connection objections and complaints along with the pamphlets received during the course of the distribution were filed before the Government authorities.

18. That if the votes procured in favour of Respondent No. 1, by illegal and improper counting of the ballot papers and by means of corrupt practices committed by Respondent No. 1, and 2, and their agents are eliminated, the Respondent No. 3, would be declared duly elected by majority of valid votes.

19. That the petitioner has deposited Rs. 2,000 under section 117 of the Representation of the People Act, 1961, in favour of the Election Commission of India as security for the cost of this petition, the challan of which is enclosed herewith.

It, is, therefore, prayed that your honour may be pleased to admit this petition, call for the records of the case and after hearing the parties be further pleased to declare the election of Respondent No. 1, to be void and declare the Respondent No. 3, to be duly elected with necessary cost to the petitioner or pass any order or orders as your honour may think fit and proper.

And for this the petitioner shall ever pray.

EK NARAINLAL DAS, Petitioner.

Dated 9th April, 1962.

VERIFICATION

I, Ek. Narain Lal Das, son of Sri Janardan Lal Das, resident of village Balua Bazar, P.O. Balua Bazar P.S. Chhatapur, District Saharsa do hereby verify the contents of this petition on the 9th of April, 1962, at Patna and declare that the contents of paragraphs 1, 2, 3, 4, 5, 7, 13, 14, 15, 19, are true to my knowledge and that of paragraphs 8, 9, 12, 16, 16(a), 16(b), 16(c) and 17 are based on information received from the voters and the agents of respondent No. 3, which are believed to be true and that of paragraphs 6, 11, 18 are submissions to the Court.

EK NARAINLAL DAS, Petitioner.

Dated 9th April, 1962.

ANNEXURE 'A'

List of full particulars of the corrupt practice stated in paragraph 16 (a) of the Election petition

Names of the persons who committed corrupt practice by persons and procuring vehicles and carrying voters to the polling stations	Date of carrying voters	Place from to	Names of the voters who were carried on vehicles.	Description of the vehicles
1	2	3	4	5
Sri Bhupendra Narain Mandal Respondent No. 1.	21-2-62	Tribenigenj-Bazar.	Tatauna near Mission.	1. Durga Pd. and others. Jeep.

*Not printed.

1	2	3	4	5
Urmilesh Jha. Election agent of Respondent No.1.	23-2-62	Parsagarhi Tola Pandey Patti.	Parsagarhi Booth No. 34	<p>1. Chamaru Nonia S.No. 1059 P.T. 52.</p> <p>2. Domi Nonia S. No. 1060 Pt. 52.</p> <p>3. Ramji Nonia S. No. 1065 Pt. No. 52.</p> <p>4. Yugeshwar Mada, S. No. 1068 Pt. 52.</p> <p>5. Kaila Kamat S. No. 1073. Pt. 52.</p> <p>6. Uttim Lal Kamat S. No. 1096 Pt. 52.</p> <p>7. Kameshwar Kamat S. No. 1101 Pt. 52.</p> <p>8. Rameshwar Pan- dey S. No. 1104.</p> <p>9. Hrishikesh Pan- dey. S. No. 1109 Pt. 52.</p> <p>Truck No.BRN 5253.</p>
Respondent No. 1 Bhupendra Narain Kamat of Sahu- garh.	23-2-62	Parsagarhi Tola Pandey Patti.	Parsagarhi Booth No.34	<p>10. Balram Singh S.No. 1121 Pt. 52.</p> <p>11. Arjun Pandey S. No. 1197 Pt. 52.</p> <p>12. Dco Narain Singh S. No. 1200 Pt. 52 & others.</p> <p>Jeep</p>
Urmilesh Jha Election agent of Respondent No. 1.	23-2-62	Belapatty	Parsahi Booth No. 34.	<p>1. Babua Mishra S. No. 82 Pt. 33.</p> <p>2. Haribans Mishra S. No. 84 Pt. 38.</p> <p>3. Narsingh Mishra S. No. 85 Pt. 38.</p> <p>4. Madhusudan Mishra S. No. 88 Pt. 38.</p> <p>5. Suresh Mishra S. No. 90 Pt. 38.</p> <p>6. Janardan Mishra S. No. 91 Pt. 38.</p> <p>7. Bacha Jha, S. No. 99 Pt. 38.</p> <p>8. Sundar Jha S. No. 104 Pt. 38.</p> <p>9. Munni Mochi S. No. 110 Pt. 30.</p> <p>10. Sobhi Mochi S. No. 111 Pt. 38.</p> <p>11. Kalsi Das S. No. 111 Pt. 38.</p> <p>Truck No. 5253 BRN.</p>

1	2	3	4	5	
			12. Jokhi Das S. No. 114 Pt. 38. 13. Sokhi Das S. No. 116 Pt. 38. 14. Bhikha Mochi S. No. 113 Pt. 38. 15. Jogi Mochi S. No. 118 Pt. 38. 16. Moti Mochi S. No. 121 Pt. 38. 17. Phochai Mochi S. No. 11 Pt. 38. 18. Ram Jha S. No. 62 Pt. 38 and others.		
1. Phuleshwar Lal Das of vill. Banipatty. 2. Ishaq Mian 3. Ramkrishna- Mahto. of vill. Jagia. 4. Sadanand Jha.	23-2-62	Phulkaha	Jodia Booth	1. Baldeo Das S. No. 180 Pt. 48 2. Shashibhushan Das. S. No. 179 Pt. 48 3. Birendra Das S. No. 182 Pt. 48 4. Mudhusudan Das S.No. 187 Pt. 48 5. Chet Narain Lal Das S. No. 170 Pt. 48 6. Ishaq Mian S. No. 380 Pt. 47 7. Ram Krishna Mahto S. No. 380 Pt. 47 8. Sadanand Jha S. No. 51 Pt. 47 and others.	Truck No. 5253 B.R.N.
		Jadia Vill.	Jadia Booth.		
Manki Lal Yadav	21-2-62	Basanpatti	Karya Booth No. 20	1. Phudan Argaria S. No. 23 Pt. 8 2. Natho Kuslait S. No. 23 Pt. 8 3. Babua Lal Kuslait S. No. 36 Pt. 8 4. Sitaram Sah S. No. 60 Pt. 8 5. Mohan Goit S. No. 1 Pt. 8 6. Asharfi Goit S. No. 5 Pt. 8 7. Budho Khaman S. No. 9 Pt. 8 8. Ramphal Kuslait S. No. 12 Pt. 8 9. Bacha Argaria S. No. 18 Pt. 8 10. Kusum Lal Kuslait S. No. 34 Pt. 8 11. Dhinaki Paswan S. No. 54 Pt. 8 and others	Truck No. 5253 BRN.
Manik Lal Yadav	21-2-62	Dhahgama	Baisi Booth 23.	1. Khusar Mahto S.No. 7 Pt. 11. 2. Nakchedi Mahto S. No. 15 Pt. 11	Truck No. 5253 BRN.

1	2	3	4	5	6
				3. Mehi Mahto S. No. 14 Pt. 11. 4. Nakchedi Mahto S. No. 37 Pt. 11 5. Achmit Mahto S. No. 38 Pt. 11 6. Hasan Mian S. No. 42 Pt. 11 7. Mohammadjan S. No. 64 Pt. 11 8. Khattar Khatway S. No. 71 Pt. 11 9. Pheku Khatway S. No. 72 Pt. 11 10. Nandi Mahto S. No. 75 Pt. 11 and others.	
Uchit Gope. Son of Phuddi Lal Gope, worker. Bhairab Mahto s/o Karuki Mahto of Vill. Baljnath pur (Cartsmen)	27-2-62	Baljnathpur- Village.	Balsi Booth No. 23.	1. Priyavart Narain Singh S. No. 3 Pt. 10 2. Phaturi Mahto S. No. 28 Pt. 10 3. Mangal Pandit S. No. 16 Pt. 10 4. Bhairab Mahto S. No. 35 Pt. 10 and others.	Bullock Cart.
Kamakhya Goit s/o Sunder Lal Goit (worker) & Chunchun Jha. s/o Jaibansh Jha of vill. Situpur (Cartsmen)	21-2-63	Situpur Vill.	Siripur Booth No. 34 & 35	1. Baidyanath Jha S. No. 146 Pt. 18 2. Kalanath Jha S. No. 152 Pt. 18 3. Umakant Jha. S. No. 136 Pt. 18 4. Chunchun Jha S. No. 145 Pt. 18 and others.	Bullock Cart.
Uchit Gope s/o Phuddi Lal Gope (worker). & Ram Kishan Das s/o Panch Lal Das of Villate Rajpur (Cartsmen).	21-2-62	Rajpur Vill.	Karjain Booth No. 20	1. Achiklal Das S. No. 37 Pt. 2. 2. Tunai Thakur S. No. 49 Pt. 2. 3. Kari Marar S. No. 46. 4. Sital Marar S. No. 42 Pt. 2. 5. Ram Kishun Das S. No. 34 Pt. 2 and others.	Bullock Cart.
Manki Lal Yadav, s/o Jagrup Yadav and Mangara Sar- dar s/o Moji Sardar of Village Lalpur (Cartsmen).	23-2-62	Hariharpur Vill.	Hariharpur Booth No. 10.	1. Abdul Gani Khan S. No. 809 pt. 85. 1/2 2. Abdul Ali Khan S. No. 818 Pt. 85. 3. Sami Ahmad Ansari S. No. 844, Pt. 85 and others.	Bullock Cart.

(Sd.) EK. NARAIN LAL DAS,
Petitioner.

Date 9-4-62.

VERIFICATION

I, Ek Narain Lal Das son of Janardan Lal Das resident of village, Balua Bazar p.o. Balua Bazar, P.S. Chhatapur, District Saharsa do hereby verify the contents of this Annexure A on the 9th of April, 1962 at Patna and declare that the contents of Annexure A are based on information received from the voters and the agents of respondents No. 3 which are believed to be true.

(Sd.) EK NARAIN LAL DAS,
Petitioner.

Dated 9-4-62.

ANNEXURE 'B'

List of full particulars of the corrupt practices stated in paragraph 16(b) of the petition.

Names of the persons who committed corrupt practices by appealing and propagating for votes in name of caste and community and also promoting feeling of enmity and hatred between different caste and communities

1	2	3
1. Bhupendra Narain Mandal	9-2-62	Village Guria
2. Anuplal Yadav Candidate of Tribeniganj Assembly Constituency.	to 10-2-62	„ Koriyapatti „ Jadia „ Baghali „ Govindpur „ Naudana „ Pilnaha „ Lachaminia and at other places.
3. Ramji Mushar, Candidate of Singeshwar Assembly		
4. Gosain Mandal of village Guria.		
5. Jadunandan Yadav of village Bathaha Guria.		
6. Mahtab Lal Yadav and others.		
1. Bhupendra Narain Mandal Respondent No. 1.	11-2-62 to 12-2-62	Village Sahugarh „ Baijnathpur „ Saurbazar. „ Saharsa, and at other places.
2. Urmilesh Jha of village Bangama.		
3. Parmanand Jha of village Bara.		
4. Mahtab Lal Yadav and others.		
1. Bhupendra Narain Mandal	18-2-62	Village Nalar
2. Vinayak Pd. Yadav, Candidate of Kishanpur Assembly Constituency.		„ Singion „ Tharhi „ Pipara and others.
3. Rajeshwar Shaw of village Maha Simar.		
4. Jai Krishna Mandal of village Beshanpur Sibram.		
5. Mahtab Lal Yadav and others.		
1. Bhupendra Narain Mandal.	15-2-62	Village Ganpatganj
2. Asheshwar Coit candidate of Raghapur Assembly Constituency.	to 16-2-62	„ Simarahl „ Pratapgunj „ Karjain „ Motipur „ Raghapur „ Rambishanpur „ Siripur „ Govindpur „ Hirdayanagar „ Basantpur and at other places.
3. Nem Narain Mishra of vill. Coitpur.		
4. Krishna Ballabh Jha of village Motipur.		
5. Ajab Lal Yadav of Vill. Bishanpur, Sibram.		
6. Mahtab Lal Yadav and others.		
7. Urmilesh Jha, Election Agent of Respondent No. 1 and others.		

(Sd.) EK NARAIN LAL DAS,
Petitioner
Date 9-4-62.

VERIFICATION

I, Ek Narain Lal Das, son of Janardan Lal Das, resident of village, Balua Bazar, P.O. Balua Bazar, P.S. Chhatapur, District Saharsa do hereby verify the contents of this Annexure B, B-1*, B-2*, B-3* on the 9th of April, 1962 at Patna and declare that the contents of Annexure B, B-1,† B-2, B-3 are based on information received from the voters and the agents of respondents No. 3 which are believed to be true.

(Sd.) EK NARAIN LAL DAS,
Petitioner
Date 9-4-62

*Not printed.

ANNEXURE 'C'

List of full particulars of corrupt practice stated in paragraph 16 (c)

Names of the persons who committed corrupt practices by obstructing and threatening the voters not to vote	Date	Place	Names of the voters who were obstructed and threatened
I	2	3	4
1. Kushum Lal Yadav. 2. Basu Prasad Yadav. 3. Darbari Yadav of village Guria. 4. Mahabir Mandal of village Karam-patty.	23-2-62	Village Jiria Tola Chakardaha and at other places.	1. Musahari Sardar S. No. 787 Pt. 39 2. Jagdish Sardar S. No. 778 Pt. 39 3. Sukhai Sardar S. No. 801 Pt. 39 4. Rupce Sardar S. No. 815 Pt. 39. 5. Mano Sardar S. No. 781 Pt. 39. 6. Soni Sardar S. No. 781 Pt. 39. 7. Munnar Sardar S. No. 790 Pt. 39. 8. Sonalal Sardar S. No. 778 Pt. 39 and others.
1. Lakshmi Prasad Yadav. 2. Gopi Biraj. 3. Madho Bhindwar. 4. Ruhup Lal Bindwar and others.	21-2-62	Village Hirdaynagar and at other places.	1. Taranand Jha S. No. 49 Pt. 101. 2. Shiva Narain Achaiya, S. No. 32 Pt. 101. 3. Yarnesh Mochi S. No. 501 Pt. 101. 4. Nandoo Kharabey S. No. 485 Pt. 101. 5. Uttim Lal Shaw S. No. 452 Pt. 101. 6. Banwari Sah S. No. 452 Pt. 101. 7. Sita ram Gupta S. No. 393 Pt. 101
1. GOVIND YADAV. 2. ASHARFI YADAV. 3. NEBI YADAV of village Harraha P.S. Pratapganj and others.	21-2-62	Harraha tola sitapur and at other places.	1. MUNAR RAM S. No. 910, Pt. 27 and at other places.

(Sd.) EK NARAIN LAL DAS
Petitioner
Date 9-4-62.

VERIFICATION

I, Ek Narain Lal Das, son of Janardan Lal Das, resident of village Balua Bazar, P.O. Balua Bazar, P.S. Chhatapur, District Seharsa do hereby verify the contents of this Annexure 'C' on the 9th of April, 1962 at Patna and declare that the contents of Annexure 'C' are based on information received from the voter and the agents of respondents No. 3 which are believed to be true

(Sd.) EK NARAIN LAL DAS,
Petitioner
Date 9-4-62.

ANNEXURE 'D'

List of full particulars of corrupt practice stated in paragraph 16 (d) of the petition

Names of the persons who committed corrupt practice by appealing and propagating for votes in name of caste and community to divide the votes of Respondent No. 3	Date	Place
1	2	3
1. Ram Anugrah Jha, Candidate. 2. Arjun Mishra of Village Bangaon. 3. Badri Mishra of Vill. Balua Bazar. 4. Dharndeo Singh of Vill. Jhakhargarh. 5. Jagannath Jha of Vill. Rajeshwari. 6. Laldeo Babu of Vill. Koriapatty and others.	5-2-62 to 16-2-62	Village Bara. ,, Murli Basatpur ,, Bangaon. ,, Patuaha. ,, Bharauli. ,, Pratapganj. ,, Tekuna. ,, Ganpatganj. ,, Haripur. ,, Haibarpur. ,, Surajapur. ,, Chotapur. ,, Jhakharghar. ,, Rampur. ,, Kunauli. ,, Nirmali. ,, Majarh. ,, Rajpur ,, Bela Terha ,, Chauhatta ,, Nirmali ,, Balria. ,, Chausipatti ,, Balokhera and at other places.

(Sd.) EK NARAIN LAL DAS,
Petitioner
Date 9-4-62.

VERIFICATION.

I, Ek Narain Lal Das, son of Janardan Lal Das, resident of village, Balua Bazar, P.O. Balua Bazar, P.S. Chhatapur, District Saharsa do hereby verify the contents of this Annexure read with D-1 'D' on the 9th of April, 1962 at Patna and declare that the contents of Annexure 'D' read with D-1* are based on information received from the voters and the agents of respondents No. 3 which are believed to be true.

(sd.) EK NARAIN LAL DAS,
Petitioner.
Dated 9-4-62

[No. 82/177/62.]

S.O. 1489.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 296 of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Shri Mahendra Mishra, son of Shri Ajay Nandan Mishra, resident of village & P.O. Baluabazar, P. S. Chattapur, District Saharsa, calling in question the election to the House of the People from the Saharsa constituency of that House of Shri Bhupendra Narayan Mandal, son of Shri Jai Narayan Mandal, resident of village & P.O. Ranipatti, P. S. Murliganj, District Saharsa.

BEFORE THE ELECTION COMMISSIONER OF INDIA, NEW DELHI

ELECTION PETITION No. 296 OF 1962

In the matter of:

Election Petition under Section 81 of the Representation of the People Act, 1951, claiming declaration that the election of the returned candidate to Saharsa Parliamentary constituency is void and a further declaration that Respondent No. 3 Shri Lalit Narayan Mishra has been duly elected.

AND

In re:—

Shri Mahendra Mishra son of Shri Ajay Nandan Mishra resident of village and P.O. Baluabazar, P. S. Chattapur, District Saharsa—*Petitioner.*

Versus

1. Shri Bhupendra Narayan Mandal son of Shri Jai Narayan Mandal, resident of village and P.O. Ranipatti, P.S. Murliganj, District Saharsa.
2. Shri Ram Anugrah Jha son of Shri Harinandan Jha resident of village Murajpur, P.O. Murajpur, P.S. Dharahara, District Saharsa.
3. Shri Lalit Narayan Mishra, son of Shri Ravinandan Mishra resident of village and P.O. Baluabazar, P.S. Chattapur, District Saharsa—*Respondents.*

The Humble Petition of the petitioner above Named Respectfully **SHEWETH.**

1. That the petitioner is a voter duly registered in the electoral roll of the Saharsa Parliamentary constituency of the House of the People at Serial No. 443 in part 37 (Trebeniganj) Assembly Constituency of Saharsa Parliamentary Constituency and as such, is competent to file this election petition.

2. Respondent No. 1 is the candidate who was returned at the said election and respondents No. 2 and 3 were the contesting candidates. In view of the additional relief for declaration that respondent No. 3 has been duly elected at the said election, all the three contesting candidates have been impleaded as parties in compliance with the provisions of section 82 of the Representation of the People Act, 1957.

3. The election of the Saharsa Parliamentary constituency was held on the respective scheduled dates as hereinafter mentioned:

Dates for filing Nomination papers—13th January 1962 to 20th January 1962.

Date for scrutiny of the Nomination papers—22nd January 1962.

Date of Poll—18th February 1962, 21st February 1962 and 23rd February 1962.

Dates for Counting—26th February 1962 and 27th February 1962.

Date on which the result was declared—28th February 1962.

4. That the Saharsa Parliamentary constituency comprises the areas of the Kisanpur, Raghupur, Trebeniganj, Singheshwar, Madhipura and Saharsa constituencies of the Bihar Legislative Assembly and the polls of the said constituencies took place on the dates mentioned above.

5. That out of the above mentioned constituencies, Singheshwar and Madhipura constituencies had on its rolls a major percentage of the voters belonging to Yadav caste, while the rest of the constituencies predominantly consist of Brahmin, Rajput and other caste Hindu voters though in these also, the voters belonging to the Yadav caste are scattered to the extent of between fifteen to twenty percent in each constituency.

6. Respondent No. 1 the returned candidate belongs to Yadav caste while respondents No. 2 and 3 are Brahmins by caste. Before the impugned election there prevailed accord and amity between the different castes, and caste considerations never emerged in the forefront nor weighed or prevailed with the electors of these constituencies in election contests.

7. Respondent No. 3 was a sitting member of the Lok Sabha for the last ten years. For the last 5 years he represented Saharsa Parliamentary constituency. On account of the sacrifices in the cause of the country and unstinted service of the people of his constituency, respondent No. 3 was extremely popular with the people of all the castes in the said constituency, as a proof whereof in the last general elections he had emerged out successful with a thumping majority of about seventy thousand votes, which included a major share from amongst the voters of Yadav caste in particular.

8. It was realised by respondent No. 1 that in view of the formidable position and popularity of respondent No. 3, he had not the ghost of a chance to dislodge him in a fair election contest, and that in order to oust him some insidious strategy must needs be employed. He, therefore, hit upon the three fold scheme of—(i) totally denuding respondent No. 3 of the support of Yadav caste voters, (ii) rallying the Yadav caste voters to his support, and (iii) dividing the Brahmin votes through another inconsequential Brahmin candidate. Respondent No. 1 accordingly fashioned the conduct of his election on the anvil of the caste strategy with the result that he was able to make the “ugly monster of casteism” rear up its head to sway the electors with his poisonous and pernicious influence. The caste frenzy was whipped up to the extent as even to carry away in its blasts the Government election staff belonging to Yadav caste, who, actuated by caste motives, indulged in erroneous counting of votes as hereinafter stated.

9. It is with reference to the above mentioned perspective that the conduct of the election on the part of respondent No. 1 must needs be determined, judged and impugned.

10. Respondent Nos. 1 to 3 entered the arena of the election by filing their nomination papers which were accepted by the Returning Officer on the 22nd January, 1962.

11. In order to further the prospects of the above mentioned strategy, respondent No. 1 wooed respondent No. 2 who was just a casual candidate meaning nothing beyond a mere adventure, and made him a ‘pawn’ in his strategy. Respondent No. 2 was not a serious candidate and wished to withdraw his nomination on the date scheduled for the purpose but respondent No. 1 induced him not to do so. On the contrary he prepared him to contest the election in accordance with his scheme and made him agree to concentrate upon the Brahmin voters with a view to deprive respondent No. 3 of as large a number as was possible, of Brahmin voters by securing the same for his own candidature and for all this respondent No. 2 was to be adequately compensated.

12. Respondent Nos. 1 and 2 started a two-pronged drive against respondent No. 3, in as much as, respondent No. 1 set afoot his propaganda machinery to antagonise the Yadav caste voters against respondent No. 3, as well as to rally them in his support by means of pernicious caste appeal. Respondent No. 2 on the other hand bent himself to the task of maligning respondent No. 3 in the eyes of the Brahmin voters for his alleged anti-Brahmin and irreligious activities and appealed to the Brahmin voters on the basis of caste and religion not to vote for respondent No. 3. The two separate currents of vile propaganda proceeded apace in a joint studied endeavour like hands in glove to the detriment of the election prospects of respondent No. 3.

13. Both the respondents No. 1 and 2, in order to consummate their common objective indulged in diverse forms of propaganda including issuing of handbills and their wide spread distribution in the electors belonging to Yadav caste, and Brahmin caste, door to door whispering campaign, individual canvassing, meetings, public and private, publication of false statements knowing to be such, all with a view to weave an overall forbidding web of casteism. Such unwholesome and poisonous propaganda based primarily on caste appeal emanating from the two pivots (i) Yadav caste and (ii) Brahmins when made to play against each other was inevitably bound to and indeed did induce an atmosphere of hostility and acrimony between the people of the two castes and thus promoted enmity and hatred between these two classes of Indian citizens.

14. (i) Respondent No. 3 has been defeated by a margin of about 15,300 votes.

(ii) The total number of rejected ballot papers is much more than the margin of votes by which respondent No. 3 lost the election.

(iii) The total number of votes belonging to Yadav caste alone is above eighty thousand.

(iv) As a result and inevitable consequence of resort to caste appeal by respondent No. 1 and his agents and supporters, respondent No. 3 could obtain only a negligible, if not infinitesimal portion of votes from amongst the electors belonging to Yadav caste, the result of polling in the Assembly Constituencies of Madhipura, Singhrishwar and part of Trebeniganj, the predominantly Yadav caste areas, being a clear illustration in this respect. The petitioner relies upon entries in Form 20 in regard to the results of poll recorded therein in respect of these Assembly Constituencies in the impugned election, as well as the result of voting in these Assembly Constituencies in Form No. 20, in regard to the election preceding the impugned election to illustrate the harrowing effect of the appeal to the caste, threats of Social ostracism and promotion of feelings of hatred between the two castes of Yadavs and Brahmins in the impugned election.

(v) As a result and inevitable consequence of resort to caste and religion appeal by respondent No. 2 to Brahmin electors not to vote for respondent No. 3, respondent No. 2 was able to secure about 18000 votes at the cost of respondent No. 3 since he was deprived of this much number of votes due to the caste and religion appeal.

15. It is submitted that but for the votes obtained by the returned candidate by corrupt practices committed by or for him as illustrated above and the erroneous rejection of valid ballot papers in favour of respondent No. 3 and erroneous reception of invalid votes in favour of respondent No. 1 and the irregularities committed at the counting as heretofore mentioned, respondent No. 3 would undoubtedly have obtained a majority of the valid votes.

16. The election of the returned candidate respondent No. 1 is void for the following amongst other

REASONS

(a) For, the commission by the returned candidate or his election agent or by any other persons with the consent of the returned candidate or his election agent, of the corrupt practices envisaged in sections 123(1), 123(2), 123(3) and (3)(A), and 123(4), 123(5) of the Representation of the People Act, 1951,

(b) For, the result of the election in so far as it concerns the returned candidate has been materially affected by

(i) the commission of the corrupt practices mentioned in (a) above in the interest of the returned candidate by his agents other than his election agent;

(ii) the improper reception, refusal or rejection of votes, caste in favour of respondent No. 3, and the reception of void votes cast in favour of respondent No. 1; and

(iii) the non-compliance with the provisions of the Representation of People Act, 1951, and the rules and orders made thereunder.

17. Respondent No. 3 is liable to be declared to have been elected because, but for the votes obtained by the returned candidate by corrupt practices etc., heretofore mentioned, and hereinafter elucidated, respondent No. 3 would have obtained a majority of the valid votes polled.

18. Corrupt practices committed by the respondent No. 1, his election agent, and other persons with the consent of respondent No. 1 and his election agent are hereinunder mentioned.

19. Respondent No. 1 offered to compensate respondent No. 2 which tantamounts to 'gratification' with the direct object of inducing him to stand and not to withdraw from the election contest on the date scheduled for withdrawal of nomination papers for the purposes heretofore mentioned and explained in preceding paras. and the respondent No. 2 agreed to accept the said compensation for the like purpose, in pursuance whereof respondent No. 2 let loose an obnoxious caste propaganda against respondent No. 3 seeking to malign him and bring him to disrepute with the voters belonging to Brahmin caste for his alleged anti-Brahmin and irreligious activities, particularly in derogation of 'Sanatan Dharama' and the like as would be amply borne out from the handbill enclosed as *Annexure A. This was done with a view to further the prospects of the election of Respondent No. 1 by seeking to shrivel, as far as possible, the number of Brahmin votes

in favour of respondent No. 3. Particulars are mentioned in the Schedule Annexure B.

20. Respondent No. 1, his election agents and other persons with the consent of respondent No. 1 and his election agent directly and indirectly interfered or attempted to interfere with the free exercise of the electoral right of a huge number of Yadav caste electors by threatening them with social ostracism, if they did not vote for Respondent No. 1, the known particulars whereof are mentioned in the Schedule, Annexure C which is enclosed with the petition.

21. Respondent No. 1, his agents and other persons with the consent of respondent No. 1 and or his election agent for the twin purpose of—(i) furthering the prospects of the election of respondent No. 1, and (ii) prejudicially affecting the election of respondent No. 3 appealed to the voters belonging to Yadav caste scattered throughout the Parliamentary constituency and particularly concentrated in the constituencies of Madhipura, Singheshwar and Saharsa to refrain from voting for respondent No. 3 on the ground of his being a Brahmin by a vigorous and well-planned propaganda as heretofore mentioned in the preceding paras. This state of affairs was quite well known to the District authorities of the various constituencies both by means of official reports etc. The petitioner in this restrict relies upon reports submitted by the police officials etc. and the knowledge of the various District Authorities. Necessary particulars are mentioned in Schedule Annexure D and a sample handbill distributed is Annexure D/1.*

22. Respondent No. 2, his agent and other persons with the consent of respondent No. 2 for the purpose of furthering the prospects of election of respondent No. 1 and for prejudicially affecting those of respondent No. 3 appealed to the voters belonging to brahmin caste to refrain from voting for respondent No. 3 on the ground of his anti-Brahman and irreligious activities by means of sustained propaganda as hereinbefore mentioned in the preceding paras. Particulars are mentioned in schedule Annexure E enclosed with the petition.

23. Respondent Nos. 1 and 2, their agents and other persons with their consent attempted to, and promoted feelings of hatred between the people of Yadav and brahmin castes on grounds of caste and religion for the furtherance of the prospects of the election of respondent No. 1 and for prejudicially affecting the election of respondent No. 3, by means of studied propaganda, particulars whereof are mentioned in the schedule Annexure F enclosed with the petition.

24. Agents of respondent No. 1 and other persons with the consent respondent No. 1 and/or his election agent, published statement of fact to the effect that at the instance of respondent No. 3 and his brother a Yadav caste leader Shri Shivanandan Prasad Mandal had not been given the Congress ticket and that at their instance only Brahmans had been given the Congress ticket, which is false and which either they believed to be false or did not believe to be true in relation to the conduct of respondent No. 3, being a statement reasonably calculated to prejudice the prospects of the election of respondent No. 3 since *inter alia* it was exploited as a lever for caste propaganda to antagonise the Yadav caste against respondent No. 3. Necessary particulars are mentioned in the schedule Annexure G enclosed with the petition.

25. (a) At the time of counting of ballot papers, the Returning Officer rejected a large number of ballot papers of Saharsa, Madhipura and Singheshwar assembly constituencies wrongly without caring to determine the intention of the voters concerned to vote for a particular candidate from the way the ballot papers were marked. The ballot papers rejected, clearly manifested from the manner these were marked, the intention of the voters to cast their votes in favour of respondent No. 3. The Returning Officer rejected the ballot papers in utter disregard of the second proviso to rule 56(2) of the Conduct of Election Rules, 1961.

(b) The Returning Officer in utter disregard of the provision of rule 56(3) of the Conduct of Elections Rules, 1961, did not allow the counting agent of respondent No. 3, a reasonable opportunity to inspect the ballot papers. In fact no rejected ballot papers was shown to the counting agent of respondent No. 3.

(c) The counting officers being mostly belonging to Yadav caste deliberately put the ballot papers marked in favour of respondent No. 3 in the lots of ballot papers marked in favour of respondent No. 1 so as to augment the number of ballot papers cast in favour of respondent No. 1 for the purpose of being entered in Form 20, on the basis of which entries, the result of the election was liable

to be determined and announced and was in fact so determined and announced declaring respondent No. 2 as the returned candidate.

26. The petitioner deposited Rs. 2000/- as security for costs of the respondent in this petition as required by Section 117 of the Representation of the People Act, 1961, the treasury receipt whereof is enclosed with this petition.

27. In the premises the petitioner prays for the following amongst other declarations:—

- (i) that the election of the returned candidate respondent No. 1 is void; and
- (ii) that respondent No. 3 has been duly elected;
- (iii) any other relief that may seem just proper or appropriate in accordance with law or ends of justice;
- (iv) awarding of costs to the petitioner.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62.

N.B.—The limitation for filing the election petition expired on 14th April which was a holiday and 15th being Sunday, the petition is being filed on the next working day i.e., the 16th April and the election petition is, therefore, within time.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62.

VERIFICATION

I, Mahendra Mishra son of Ajay Nandan Mishra, village Baluabazar, P.O. Baluabazar, Police Station Chattapur, District Saharsa do hereby declare that the contents of paragraphs 1, 3, 4, 5, 6, 7, 9, 10, 12, 13, 18 and 26 are true to my knowledge and those of paragraphs 2, 11, 14, 19, 21 and 25 are based upon information received and believed to be true and those of paragraphs 8 and 22 to 24 are partly true to my knowledge and partly upon information received and believed to be true and these of paragraphs 15, 16, 17 and 27 are submissions.

Verified this 16th day of April, 1962 at New Delhi.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62.

ANNEXURE 'B'

Particulars of Corrupt Practices Mentioned in Para 19 of the Election Petition

1. Respondent No. 2 was a casual candidate. He had openly expressed his desire to withdraw his candidature after the nomination papers were accepted on 22nd January 1962. In particular he mentioned his desire to withdraw his candidature in the presence of the following amongst other persons:—

1. Shri Raj Ball Thakur.
2. Shri Arjun Mishra.
3. Shri Kashi Nath Jha.
4. Shri Lalit Narayan Mishra (Respondent No. 3).
5. Shri Gurusharan Singh.

2. Respondent No. 2 on the date scheduled for withdrawal of candidatures, had actually gone with the notice of withdrawal of candidature in Form 5, alongwith Shri Chitra Narain Sharma and Shri Arjun Mishra to the office of the Returning Officer at Saharsa, where the Respondent No. 1 and his election agent Shri Urmillesh Jha and other supporters viz., Shri Bhoop Narayan Kamath and Permand Jha took respondent No. 2 away from the office of the Returning Officer. They came back at about 2-45 p.m. on 25th January 1962 to the office of the Returning Officer and there in the presence of Shri Gore Lal Singh and Shri Hiralal Bhagat and Ram Lakhani Singh and others who had gone to the office of the Returning Officer to see the list of withdrawal of candidatures, the respondent No. 2 declared that he will not withdraw his candidature and would contest the elections as he had been convinced that the respondent No. 3's candidature was detrimental to the interests of Brahmins generally and Sanatan Dharam in particular.

3. Thereafter, respondent No. 2 started a campaign of vilification against the respondent No. 3 accusing him of being anti-Brahmin, anti-Rajput, interested in seeing non-Brahmin candidates successful and of being an enemy of Sanatan Dharam.

4. Respondent No. 2 addressed various meetings of Brahmins and Rajputs at Bangaon, Chainpur, Bara, Lalganj Sihole, Malar, Agvar, Motipur, Rajeshwari, Koriapatti, Laharniya, Bharoli, Gamahariya, between 26th January 1962 and 16th February 1962, wherein besides reiterating the above mentioned accusations he particularly stressed the point that if the respondent No. 3 was returned, it would be detrimental to the interests of the Chief Minister of Bihar, Pt. Binodanand Jha and Shri Satyendra Narayan Sinha, Education Minister, Government of Bihar who happened to be a Brahmin and Rajput respectively.

5. On or about 5th February, 1962 respondent No. 2 got printed a handbill Annexure* A from Mithila Printing Press, Darbhanga and started distributing the same from 7th of February, 1962 till the polling.

6. Respondent No. 2 and his agents with his consent collaborated with the agents of respondent No. 1 in this campaign of vilification of caste and religion appeal.

7. It was well known from knowledgeable quarters that respondent No. 1 had agreed and offered to compensate respondent No. 2 adequately for having not withdrawn his candidature and for contesting the election in the interest of respondent No. 1 so as to divide Brahmin votes and respondent No. 2 had agreed to be so compensated and do the needful.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62.

VERIFICATION

Verified that contents of this Annexure 'B' are true to the best of my information received from voters, agents of respondents No. 1, 2 and 3 and partly to my personal knowledge.

Verified this 16th day of April, 1962 at New Delhi.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62

ANNEXURE 'C'

Particulars of Corrupt Practices Mentioned in Para 20 of the Election Petition

1. Respondent No. 1, his agents and supporters with his consent, addressed a number of meetings at various places shown below impressing upon the Yadav caste electors that if respondent No. 1 was not returned, it would be disastrous for the Yadav caste as a whole, because the Brahmins would destroy whatever was left of this community. As such every Yadav caste elector, who would not vote for Yadav caste, would prove a traitor for his caste and as such he would be arranged at the bar of the community and dealt with effectively.

2. Persons who addressed the meetings amongst others are—

1. Shri Mahtab Lal Yadav.
2. Shri Kamleshwari Yadav.
3. Shri Asheshari Goet.
4. Shri Vinayak Yadav.
5. Shri Laxmi Narayan Yadav.
6. Shri Suba Lal Yadav.
7. Shri Amal Dutt Yadav.
8. Shri Ram Prasad Yadav.
9. Shri Anuplal Yadav and others.

3. These persons addressed such meetings throughout the Assembly Constituencies of Madhipura, Singheshwar Tribeniganj, Pratapganj and Kisanpur.

4. After the meetings a door to door campaign in regard to the above mentioned aspect was started.

5. These meetings took place between 1st of February and continued till the date of the polling.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62

VERIFICATION

Verified that the contents of this Annexure 'C' are true to the best of my information received from the voters and the agents of the respondents and believed to be true and partly to my personal knowledge.

Verified this 16th day of April, 1962 at New Delhi.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62

ANNEXURE 'D'

Particulars of Corrupt Practices Mentioned in Para 21 of the Election Petition

(1) Respondent No. 1, his agents and other persons with his consent addressed a number of meetings both public and private throughout the assembly constituencies of Madhipura, Singheshwar, Tribenigunj, Pratapganj and Kishanpur starting a whispering campaign from house to house against respondent No. 3 and intensive canvassing based upon appeal to the electors belonging to the Yadav caste. Besides the above, on or about the 9th February, 1962, Shri Mahtab Lal Yadav, Shri Kusum Lal Yadav, Shri Munna Lal Yadav, Shri Darbari Yadav Mudliya, Shri Basu P. Yadav and Shri Mahabir Mandal, Karanpatti, agents of respondent No. 1, with the consent of respondent No. 1 got a handbill *(Annexure D/1) printed from the Mithila Art Press, Darbhanga and indulged in intensive distribution throughout the Yadav caste areas.

(2) Names of persons who addressed the meetings:—

1. Shri Mahtab Lal Yadav.
2. Shri Kamleshwar Yadav.
3. Shri Asheshari Goet.
4. Shri Vinayak Yadav.
5. Shri Laxmi Narayan Yadav.
6. Shri Suba Lal Yadav.
7. Shri Amal Dutt Yadav.
8. Shri Ram Prasad Yadav.
9. Shri Anup Lal Yadav
and others.

(3) These meetings took place between 1st of February to till date of polling.

The district authorities of the assembly constituencies mentioned above were acquainted of this caste appeal campaign through their own official sources including police reports.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62.

VERIFICATION

Verified that the contents of this Annexure D are true to the best of information received from voters and agents of respondents and believed to be true and partly to my personal knowledge.

Verified this 16th day of April 1962 at New Delhi.

Sd./- MAHENDRA MISHRA,
Petitioner.
16-4-62.

ANNEXURE 'E'

Particulars of Corrupt Practices mentioned in Para 22 of the Election Petition

(1) Names of persons who have committed corrupt practices.

Respondent No. 2 and his following amongst other agents with his consent.

1. Shri Arjun Mishra.
2. Shri Badri Mishra.
3. Shri Dharam Deo Singh.
4. Shri Ramjee Mandal.
5. Gunesvar Jha.
6. Shri Ramanand Jha.
7. Shri Dinesh Jha.
8. Dr. Ramrup Singh.
9. Shri Ganpati Singh.
10. Shri Subhas Chandra Mishra.

(2) The above named persons started a campaign of villification against respondent No. 3 accusing him of being anti-brahman and anti-Rajput and being an enemy of 'Sanatan Dharma' etc.

(3) These above named persons addressed at various places meetings of Brahmins and Rajputs at Bargaon, Chainpur, Bara, Lalgunj, Sihole, Malar, Agvar, Motipur, Rajeshwari, Koriapatti, Laharniya, Bharoli, Cabahartaya, between 26th January 1962 and 16th February, 1962, whereat besides reiterating the above mentioned accusations particularly stressed the point that if respondent No. 3 was returned, it would be detrimental to the interests of the Chief Minister Pt. Binodanand Jha and Shri Satyendra Narain Sinha, Education Minister, Bihar, who happened to be Brahmins and Rajputs respectively.

(4) On or about 5th February, 1962, respondent No. 2 got printed handbill Annexure A from Mithila Printing Press Darbhanga and started distributing the same from 7th till the polling.

(5) Respondent No. 2 and his agents with his consent collaborated with the agents of respondent No. 1 in this campaign of villification of caste and religious appeal. It was known from knowledgeable quarters that respondent No. 1 had agreed and offered to compensate respondent No. 2 adequately for having not withdrawn his candidature and for contesting the election in the interest of respondent No. 1 so as to divide Brahmin votes, and respondent No. 2 agreed to be so compensated.

Sd./- MAHENDRA MISHRA,
Petitioner.

16-4-62.

VERIFICATION

Verified that the contents of this annexure are true to the best of information received from voters and agents of the respondents and believed to be true, and partly to personal knowledge.

Verified this 16th day of April 1962 at New Delhi.

Sd./- MAHENDRA MISHRA,
Petitioner.

16-4-62.

ANNEXURE 'F'

Particulars of Corrupt Practices Mentioned in Paragraph No. 23 of the Election Petition

(1) Respondent No. 1, his agent and other supporters with the consent of respondent No. 1 indulged in intensive campaign of caste appeal to the Yadav electors not to vote for respondent No. 3 but to vote for their own Yadav candidate respondent No. 1 on grounds of caste-interests, on the one hand (particulars whereof have been given in Annexures C & D). Respondent No. 2, his agents and supporters on the other hand, vigorously engaged themselves in a counter campaign to caste appeal to Brahmins and Rajput electors exhorting the Brahmins and Rajput electors not to vote for respondent No. 3 in the interest of Brahmins and Sanatan Dharma (particulars whereof have been given in Annexures B & E).

(2) Respondent Nos. 1 and 2, their agents and supporters attempted and promoted feelings of hatred between electors of different castes, namely, Yadav, Brahmins and Rajputs, who constitute different classes of citizens of India.

Sd./- MAHENDRA MISHRA,
Petitioner.

16-4-62.

VERIFICATION

Verified that the contents of this annexure F are true to the best of information received from voters and agents of respondents and believed to be true, and partly to personal knowledge.

Verified this 16th day of April 1962 at New Delhi.

Sd./- MAHENDRA MISHRA,
Petitioner.

16-4-62.

ANNEXURE 'G'

Particulars of Corrupt Practices mentioned in Paragraph No. 24 of the Election Petition

(1) Shri Mahtab Lal Yadav, Shri Kusum Lal Yadav, Shri Munni Lal Yadav, Shri Darbari Lal Mudia, Shri Basu Prasad Yadav and Shri Mahabir Mandal, Karanpatti, all agents of respondent No. 1 with the consent of respondent No. 1 published a handbill dated 9th February, 1962, printed by Mithila Art Press, Darbhanga (Annexure D/1) which contains a statement of fact to the effect that Yadav caste leader Shri Shiv Nandan Prasad Mandal had not been given the Congress ticket on account of the machinations of respondent No. 3 and his brother Shri

Rajendra Mishra, whereas at their instance Congress tickets had been given to three Brahmins, which statement is false and which the respondent No. 1 and his agents believed to be false and did not believe to be true in relation to the conduct of respondent No. 3

(2) Respondent No. 1 his agents and supporters fully knew that on the contrary respondent No. 3 sponsored the candidature of Shri Shriv Nandan Prasad Mandal and two other Yadav candidates for assembly seats and supported their cases before the Congress Central Election Committee and this was very well known to the respondent No. 1 and his agents.

(3) The above mentioned statement not only reasonably calculated to prejudice the prospects of election of respondent No. 3, but it actually caused tremendous prejudice and worked havoc coupled with the sustained caste propaganda done by respondent No. 1, his agents and supporters.

(4) The publication of said false statement sought and did antagonise the Yadav caste electors against respondent No. 3.

MAHENDRA MISHRA,
Petitioner.

VERIFICATION

Verified that the contents of this Annexure G are true to the best of information received from voters and agents of the respondents and believed to be true, and partly to personal knowledge.

Verified this 16th day of April 1962 at New Delhi.

MAHENDRA MISHRA,
Petitioner.

[No. 82/296/62.]

New Delhi, the 9th May 1962

S.O. 1490.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 325 of 1962, presented to the Commission on the 16th April, 1962, under section 81 of the said Act, by Kartik Oraon, son of late Jawara Oraon of Purani Ranchi, P.S. Ranchi, calling in question the election to the House of the People from the Lohardaga Constituency of that House of Shri David Munzni, son of Shri Abdnego Munzni of Pathalkudua, P.O. Ranchi (Bihar).

ELECTION PETITION
(Lohardaga Parliamentary Constituency)
Purani Ranchi
P.O. Ranchi

Dated, the 11th April, 1962

TO

THE SECRETARY,

THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 325 of 1962.

In the matter of an Election petition u/s 81 of the Representation of the People Act, 1951 (Act 43 of 1951)

AND

In the matter of the Election to the Lok Sabha from the Lohardaga Parliamentary Constituency (S.T.) held in the month of February, 1962.

AND

In the matter of

Kartik Oraon son of late Sri Jawra Oraon of Purani Ranchi, P.S. Ranchi, Bihar—(Petitioner) Plaintiff.

Versus

1. Shri David Munzni son of Sri Abdnego Munzni of Pathalkudua, P.O. Ranchi, Bihar.

2. Sri Ignés Beck son of Sri Bede Beck of Pathalkudua, P.O. Ranchi, Bihar, Opp. party—(Respondents).
3. Kartike Oraon son of late Shri Jawra Oraon of Purani Ranchi, P.O. Ranchi, Bihar—Petitioner (Respondent).

The humble petition of the petitioner Kartik Oraon abovementioned.
Most respectfully sheweth:—

1. That the petitioner was the official candidate of the Congress Party for election to Lok Sabha from Lohardaga Parliamentary Constituency (S.T.) during the last General Election, held in the month of February, 1962.

2. That the abovementioned two Respondents namely, Shri David Munzni and Shri Ignés Beck, were also contesting, having been duly declared by the Returning Officer to be duly nominated for contesting the above said election.

3. That the petitioner was the official candidate of the Congress party and the Respondent No. 1 Shri David Munzni was the Official candidate of the Swatantra Party and Respondent No. 2 Shri Ignés Beck, was the Official candidate of the Jharkhand Party.

4. That the symbol of the petitioner by virtue of being the official candidate of the Congress Party was two bullocks with Yoke on, the symbol of Respondent opposite Party No. 1, by virtue of being the official candidate of Swatantra Party, was 'cycle' and that of the Respondent No. 2 by virtue of being the Official candidate of Jharkhand Party was 'Cock'.

5. That the Returning Officer on 2nd March, 1962, declared Respondent No. 1, as duly elected having polled the largest number of votes i.e. 58173 and also announced that the petitioner and the other contesting the said election polled votes as given below:—

Votes Polled

1. Kartik Oraon, Petitioner	41,804
2. Shri David Munzni, Respondent No. 1	58,173
3. Shri Ignés Beck, Respondent No. 2	31,744

6. That according to the result announced by the Returning officer, the total votes polled in the constituency was declared to be 1,39,810 out of which 8089 votes were declared to be invalid.

7. That the petitioner submits that the election of Respondent No. 1 is void and vitiated and further submits that the entire election also is void and illegal.

8. That the whole election is void and illegal inasmuch as the election was suffering from Statutory disability and is hit by S. 100 of the Representation of the People Act, 1951 (Act 43 of 1951) along with Sec. 33 Cl. (2) of the Representation of the People Act.

9. That the election is illegal, inoperative and void on account of the fact that the nominations filed and the acceptance thereof by the Returning Officer in respect of Sri David Munzni and Shri Ignés Beck are illegal and the acceptance of the nomination and permission to contest Parliamentary Election from this constituency and from this seat is illegal and the entire election is vitiated.

10. That the aforesaid Shri David Munzni and Shri Ignés Beck are both Indian Christians and as such they were not entitled to contest the Parliamentary seat concerned as candidates on seat particularly meant for the Scheduled Tribes.

11. That the aforesaid Shri David Munzni is an Indian Christian and Protestant by faith.

12. That the aforesaid Shri Ignés Beck is an Indian Christian and Roman Catholic by faith.

13. That these two aforesaid candidates i.e. Shri David Munzni and Ignés Beck have nothing to do with the animistic faith and tribal way of life do not follow the manner and customs of the tribes and have no affinity nor any common interest, defence or aspirations with or for the tribal people.

14. That the ancestors and forefathers of these two aforesaid candidates were also Christians.

15. That the ancestors of these two aforesaid candidates were always demarcated as Christian voters.

16. That the father of Shri David Munzni has been a Christian.

17. That Shri Ignès Beck the candidate from Jharkhand Party was a representative of the Indian Christian community of Bihar in the Bihar Legislative Assembly from 1st April, 1937, until February, 1952.

18. That Sri Ignès Beck was an Indian Christian by reason of his being a representative of Indian Christians. Therefore logically as Indian Christians are not Scheduled Tribes and Scheduled Tribes are not Indian Christians, Shri Ignès Beck was not the competent and *bonafide* candidate to contest a seat especially reserved for the Scheduled Tribes and the acceptance of his nomination has materially affected this election.

19. That in order to be classed as Scheduled Tribes and to be entitled to contest from a seat reserved for the Scheduled Tribes a person must have social affinity with the Tribes, problems of common interest, aspirations and defence and must profess the Tribal religion (animism) and follow the tribal way of life.

20. That as the essential conditions as enumerated in above para, are wanting in the case of the above mentioned Respondents No. 1 and No. 2 they cannot be classed as scheduled Tribes and as such they are not entitled and competent to contest from a seat reserved for the scheduled Tribes and their nominations as such candidates are illegal.

21. That the pamphlets (Schedule* 'A') was issued printed by Sri Ashoka Kumar Trivedi in Sudarsana Press, Church Road, Ranchi, and published and issued by Sri Krishnnath Sahdeo, Ratu Road, Ranchi.

22. That the pamphlet (Schedule* 'A') was distributed through the agency and creatures of Swatantra Party.

23. That the leaflet (Schedule 'A') was distributed freely with the permission of Shri David Munzni, the official candidate of Swatantra Party.

24. That the pamphlet (Schedule 'A') was printed, published, issued, distributed in collusion with or with the permission of Sree David Munzni, the official candidate of Swatantra Party (*vide* affidavit* Nos. 1—11).

25. That the pamphlet (Schedule 'A') incites the communal feeling, the caste feelings, caste and community hatred between classes and thereby exercising undue influence to the voters, and a large number of voters did in fact cast their votes under the influence of this pamphlet and the votes went in favour of Respondent opposite party No. 1 which ordinarily would have been cast in favour of the petitioner.

26. That the language used in pamphlet (schedule 'A') definitely promotes enmity between classes in connection with this election.

27. That the pamphlet (Schedule* 'C') which is printed in Sudarsan Press, Ranchi, was published and distributed at the instance and collusion with Sri David Munzni with a cycle symbol in Lohardaga Assembly constituency of Lohardaga Parliamentary constituency. This leaflet indicates that Ganesh Oraon was a candidate for Lohardaga Assembly constituency when in fact he was not thereby duped the voters and *malafide* assisted the official candidate of Swatantra party and adversely affected the official candidate of Congress Party to the Bihar Vidhan Sabha and Lok Sabha which in effect robbed the electorate of its lawful right to exercise the franchise, culminating in vitiating the whole election.

28. That Sri Ganesh Oraon, was a candidate for Bero Assembly constituency and not a candidate for Lohardaga Assembly Constituency as shown in leaflet (Schedule 'C') although Bero is also an Assembly Constituency under Lohardaga Parliamentary Constituency.

29. That the pamphlet (Schedule 'C') was distributed in large scale in Lohardaga Constituency at the instance and agency of the candidate contesting the Lohardaga Parliamentary seat representing the Swatantra party (*vide* affidavit* No. 12).

30. That the pamphlet (Schedule 'C') is misleading to this extent that Ganesh Oraon is Ganesh Kachhap in pamphlet (Schedule* 'D') and was never a candidate from Lohardaga Assembly Constituency.

31. That this pamphlet (Schedule 'C') has influenced a large number of voters and has affected the petitioner to the largest extent.

32. That the pamphlet (Schedule 'C') was printed in Sadarsan Press, Ranchi.

33. That the pamphlet (Schedule 'C') was widely distributed at the instance and agency and with the consent of the opposite party Respondent No. 1 and which influenced the voters to the largest extent. These pamphlets were distributed as in Affidavit No. 12.

34. That the Respondent No. 1 paid illegal gratifications to a large number of voters who mostly came from distant villages in order to cast votes in favour of Respondent No. 1.

35. That if these votes would not have been cast in favour of Respondent No. 1 the petitioner was sure to come out successful.

36. That at village, Dewaki P. S. Ghaghra Respondent No. 1 had arranged at his own cost, the opening of free kitchen for feeding the voters and slaughtered one big goat to feed the voters sumptuously, who were being brought on conveyance arranged and hired and charged paid by Respondent No. 1.

37. That the votes of several dead persons whose names still continue on the electoral roll, were made to cast them in favour of Respondent No. 1.

38. That some persons were entered in the electoral roll of the constituency at two different places of the voters list and have exercised their franchise at both the places in favour of Respondent No. 1.

39. That Respondent No. 1 used several conveyances to bring voters to cast votes in favour of Respondent No. 1 at his own expenses and which vitiates the entire election.

40. That at certain villages Sri David Munzani the opposite party Respondent No. 1 used to mislead the voters by posing himself as Kartik Oraon, the petitioner and that his symbol was 'Cycle'. When protested by the voters to the effect that Kartik Oraon's symbol was bullock with yoke on, the reply by Sri David Munzani was that it was not correct and that they were being misled by the rival parties.

41. That had these corrupt practices not been taken recourse to, the petitioner was sure to be declared elected.

It is, accordingly prayed that it be declared

(a) that the election of the returned candidate Respondent No. 1 Sri David Munzani to Lok Sabha from Lohardaga Parliamentary Constituency (S.T.) is wholly void;

or

(b) That it be declared that the petitioner is duly elected candidate from Lohardaga Lok Sabha seat (S.T.) having polled the majority of votes;

or

(c) let it be declared that under the circumstances of the case, the entire election is void and is fit to be set aside

Dated 11th April, 1962.

Sd./- K. ORAON, Petitioner.
11-4-62.

VERIFICATION

I, Kartik Oraon declare that the contents of all the paragraphs, contained in the petition, are true to the personal knowledge of mine.

Verified this date on 12th April, 1962.

Sd./- K. ORAON, Petitioner.
12-4-62.

[No. 82/325/62.]

S.O. 1491.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951 the Election Commission hereby publishes a copy of the Election Petition No. 303 of 1962, presented to the Commission on the Sixteenth April, 1962, under section 81 of the said Act, by Shri Narendra Kumar Sanghi, s/o. Shri Moti Lal Sanghi, Ghanshyam Bhawan, Poota, Jodhpur, calling in question the election to the House of the People from the Jodhpur Constituency of that House of Shri Laxmi Mal Singhvi, Minerva Building, Station Road, Jodhpur.

BEFORE THE ELECTION COMMISSION OF INDIA

ELECTION PETITION No. 303 OF 1962 relating to Jodhpur Parliamentary Constituency No. 19 for election of member to Lok Sabha (House of People).

Shri Narendra Kumar Sanghi, s/o Shri Motilal Sanghi, Ghanshyam Bhawan, Paota, Jodhpur—*Petitioner*.

Vs.

1. Shri Laxmi Mal Singhvi, Minerva Bldg., Station Road, Jodhpur.
2. Shri Santosh Singh Kachhawaha, c/o M/s. J. Santosh & Sons. Sojati Gate, Jodhpur.
3. Shri Achluram, Meghwal Colony, Sardarpura Road No. 5, Jodhpur.
4. Shri Pusaram, Village Jetpura, P.O. Jayal, Dist. Nagaur.
5. Shri Nahar Singh, Bahadur Bhawan, Risala Road, Jodhpur.
6. Shri Jalu Ram, Vishnu Bhawan, Udai Mandir, Jodhpur—*Respondents*.

Election petition under section 81 of Representation of People Act, 1951 calling in question the election of Shri Laxmi Mal Singhvi, respondent No. 1 to the Lok Sabha (House of People) from Jodhpur Parliamentary Constituency.

The Petitioner respectfully submits as under:

1. That the petitioner was a contesting candidate at the election of member to the Lok Sabha (House of People) from Jodhpur Parliamentary constituency No. 19 comprising eight Rajasthan Assembly Constituencies namely Raipur, Sojat, Jodhpur City I, Jodhpur City II, Luni, Bilara, Osian and Merta held in 1962 and is entitled to present the petition calling in question the election of Shri Laxmi Mal Singhvi respondent No. 1 who was declared elected to be a member of Lok Sabha (House of People) on 1st March, 1962. Polling took place on 21st February, 1962, 23rd February, 1962 and 25th February, 1962.

2. That the Respondent Nos. 2 to 6 were the other contesting candidates at the above said election and they have been impleaded as parties in this petition besides the returned candidate as the petitioner has prayed for a declaration that he stands elected to be a member of the Lok Sabha (House of People) from the above said parliamentary constituency on the grounds that the petitioner has obtained a majority of valid votes and that the election of Respondent No. 1 is null and void.

3. That the counting of votes took place at Jodhpur on the 26th February, 1962, for Jodhpur I, Jodhpur II and Luni assembly constituencies, on 27th February, 1962, at Jaitaran for Raipur, Bilara, Merta and Sojat assembly constituencies and at Jodhpur on the 28th February, 1962, for Osian Constituency. The result was declared by the Returning Officer of the said parliamentary constituency in question on the 1st March, 1962, as under:

<i>Name of candidate</i>	<i>votes polled</i>
1. Shri Laxmi Mal Singhvi (Returned Candidate)	113445
2. Shri Narendra Kumar Sanghi (Petitioner)	111811
3. Shri Santosh Singh Kachhawaha (Respondent No. 2)	23105
4. Shri Achlu Ram (Respondent No. 3)	9472
5. Shri Poosa Ram (Respondent No. 4)	5761
6. Shri Nahar Singh (Respondent No. 5)	5732
7. Shri Jalu Ram (Respondent No. 6)	4041
Total No. of valid votes polled	273367
Total No. of invalid votes	11443
Total No. of votes polled	284810

The figures of votes polled by each candidate as shown above are according to the result declared by the Returning Officer which the petitioner submits to dispute in this election petition. According to the result declared by the Returning Officer, the total number of votes polled was 284810 out of which 11443 votes

were declared as invalid and 273367 votes were held as validly polled by the candidates as shown above.

4. That according to the result declared by the Returning Officer of the Constituency in question the difference between the valid votes polled by the petitioner and the valid votes polled by Respondent No. 1 is 1634.

5. That the petitioner in fact polled a majority of valid votes and that he should have been declared elected to the House of People from the Jodhpur Parliamentary Constituency but owing to the erroneous counting to the advantage of Respondent No. 1, improper reception of invalid votes and treating them as valid votes of Respondent No. 1 and rejection of valid votes cast in favour of the petitioner, the petitioner was declared to have secured 1634 votes less than the votes secured by Respondent No. 1.

6. That the petitioner was a candidate set by the Indian National Congress Party and all the other contesting candidates were independent candidates.

7. That from the result of election as shown above, it can be seen that the main contest was between the petitioner and Respondent No. 1. Except the petitioner and the Respondent No. 1 all the other contesting candidates forfeited their security deposits as they could not poll even 1/6 of the total valid votes polled at the election in question.

8. That the Congress Party contested all the eight seats from all the eight Rajasthan Assembly constituencies referred to above. The names of the Congress candidates and the names of assembly constituencies from where they contested are given as under:—

1. Raipur	Shri Shanker Lal
2. Sojat	Shri Teja Ram
3. Jodhpur City I	Shri Anand Singh Kachhawaha
4. Jodhpur City II	Shri Barkatulla Khan
5. Luni	Shri Poonam Chand Bishnoi
6. Osian	Shri Paras Ram Maderna
7. Bilara	Shri Bhairon Singh
8. Merta	Shri Nathu Ram Mirdha

Out of the above eight constituencies, Congress candidates succeeded from Sojat, Jodhpur City I, Jodhpur City II, Osian and Merta assembly constituencies by large majorities. Similarly the petitioner led his nearest rival, Respondent No. 1 in the said assembly constituencies by a good margin of votes except in Jodhpur City II constituency where he lost to the Respondent No. 1 by a small margin. In Bilara assembly constituency the petitioner led the Respondent No. 1 although the Congress candidate from assembly seat from this constituency had lost.

9. That the petitioner was a sitting member of the Lok Sabha (House of People) and he is an old resident of Jodhpur and is well-known throughout the Parliamentary constituency.

10. That the petitioner expected to lead the Respondent No. 1 by a margin of about 15000 to 20000 votes but for the wrong counting, improper reception and acceptance of the votes to the advantage of Respondent No. 1 and to the disadvantage of the petitioner and commission of corrupt practices by the Respondent No. 1, by his election agent, by his other agents and supporters acting with his consent or with the consent of his election agent, the Respondent No. 1 has been declared elected to the Lok Sabha (House of People) from the Jodhpur Parliamentary Constituency. The petitioner submits that the election of Respondent No. 1 is null and void on these grounds.

11. That on a recounting, scrutiny and examination of all the ballot papers cast in the election in question the petitioner will be found to have polled a majority of valid votes and it will be further found that the returned candidate (Respondent No. 1) in fact polled much less a number of valid votes than the valid votes polled by the petitioner.

12. That out of 11443 votes which were counted as invalid votes by the Returning Officer and his assistants, a large number of votes were validly cast in favour of the petitioner but were wrongly rejected. This fact alone is enough to cover the alleged difference of 1634 votes between the petitioner and Respondent No. 1 and to give a good lead to the petitioner over respondent No. 1 and all other contesting candidates.

13. That the Returning Officer rejected a number of valid votes casted in favour of the petitioner on the flimsy ground that the impression was not clear or that due to folding of the ballot paper, a slight impression of the ink had also appeared on the other fold of the paper and that the rule 56 of the Conduct of Election Rules, 1961 violated inasmuch as the votes were rejected even though the intention of the voters was quite apparent from the ballot papers.

14. That the closing device of the mechanism of the ballot boxes used in the Jodhpur Parliamentary Constituency particularly in Osian assembly constituency had been oiled before they had been put to use and that consequently some part of the ballot papers got oily marks when they came in contact with the oiled mechanism. All such ballot papers were wrongly rejected by the Returning Officer and consequently provisions of rule 56 were violated. Such oil marks could not be considered as marks of identity. That no ballot paper could be rejected unless it suffered from any of the defects mentioned in rule 56(a) of the Conduct of Election Rules, 1961 and that the learned Returning Officer erred in rejecting thousands of votes cast in favour of the petitioner.

15. That the surname of the petitioner is 'SANGHI' and the surname of respondent No. 1 is 'SINGHVI'. There is thus a remarkable similarity between the surnames of the petitioner and the Respondent No. 1. The name of the petitioner was at serial No. 6 and that of the Respondent No. 1 at serial No. 7. After counting of votes pertaining to Balunda polling station No. 25 of Raipur Assembly constituency was finished and its result entered in form No. 16 of the Conduct of Election Rules, 1961, gross errors were committed to the advantage of the Respondent No. 1 and to the disadvantage of the petitioner while making entries in the said form. The entries made in such forms are not according to the actual result of poll. In numerous cases, larger number of votes of the petitioner were entered against the name of Respondent No. 1 and the lesser number of votes of the Respondent No. 1 were entered against the name of the petitioner in such forms. This way of making erroneous entries in the ballot paper account in form No. 16 made very material difference in the result of election.

16. That while the counting was going on at Jaitaran in respect of Raipur assembly constituency, the petitioner was informed about the irregularities in counting and that a request was made by him to the Returning Officer at Jaitaran then and there to re-check the ballot papers and the counting sheet which was already checked and passed by him. That on re-checking being done by the said Returning Officer at Jaitaran, the following errors were found:

- (a) Ballot papers of the petitioner which were more in number were put against the name of Shri Laxmi Mal Singhvi Respondent No. 1 and his lesser votes were recorded against the name of the petitioner.
- (b) That 3 valid ballot papers of the petitioner were found in the bundle of Shri Singhvi, Respondent No. 1 and counted in his favour.
- (c) That one ballot paper casted in favour of Shri Shanker Lal was in the bundle of Shri Mangilal and counted in his favour. In this way the petitioner in particular was found to have been put to loss by the counting officials who were interested in Respondent No. 1.

17. That defects of the type and nature indicated in the preceding paragraph existed in the Jodhpur City Assembly constituencies also which were part of the parliamentary constituency in question.

18. That according to the information of the petitioner which he received from his counting agents in respect of other centres such errors as mentioned above were committed in almost all the counting centres. After the apprehension of the petitioner regarding the errors in the counting and in the making of entries in the count sheet had been found correct in respect of one polling station, an application was made to the Returning Officer of the Jodhpur Parliamentary Constituency at Jaitaran for having a recount. Although good, valid and legal grounds justifying recount of the ballot papers existed, the Returning Officer at Jaitaran without assigning any reasons and without justice rejected the application of the petitioner. A true copy of the application which was made by the petitioner to the Returning Officer at Jaitaran is filed herewith and the same is marked annexure 'A'.

19. That the petitioner sent a telegram to the Chief Electoral Officer Jaipur in which the petitioner pointed out in general the defects and errors which were committed at the counting of votes pertaining to the constituency in question and also requested for an order for recount but to no response. A copy of the telegram is filed herewith and the same is marked as annexure 'B'.

20. That after the counting was over and before the result of election was declared, an application was made to the Returning Officer of the Jodhpur Parliamentary Constituency by the petitioner wherein he specifically pointed out that there were errors in counting ballot papers and in placing them in bundles and in entering number of valid votes against the names of the candidates in the count-sheets. He specifically cited instance of polling booth No. 58 of the Jodhpur 'B' (II) assembly constituency on the basis of information received from his counting agent Shri C. P. S. Nair in which case the number of votes polled by the petitioner was 164 and votes polled by Shri Laxmi Mal Singhvi respondent No. 1 was 126 as told by the counting officials on spot but in the result sheet it was found that 114 votes had been entered against the name of the petitioner and 176 votes were entered against the name of Shri Singhvi Respondent No. 1. This was a case of an apparent error and it was possible only because one bundle of 50 votes of the petitioner was mixed up with the bundle of the votes of the respondent No. 1 which made a difference of 100 votes to the disadvantage of the petitioner and to the advantage of the respondent No. 1. This difference pertained to one polling station. Similar defects and errors were committed in respect of many more polling stations. He further submitted to the Returning Officer that the number of votes polled by one candidate erroneously got entered against the name of another candidate while entering the number in the list on the basis of information received from his counting agents. He pointed out how the errors had been committed in making entries in the result sheet and how his valid votes had been tied with the votes of respondent No. 1 and impressed upon the Returning Officer that there have been gross errors in the counting which have materially affected the result of election and that it was in the interest of justice, in the interest of free fair election and in the interest of knowing the true verdict of the electorate of the constituency in question that all the ballot papers of the constituency be recounted but the Returning Officer in his own convenience without caring for justice rejected the application of the petitioner. A copy of the application made by the petitioner to the Returning Officer on 1st March, 1962 before the declaration of result is filed herewith and the same forms a part of the petition and is marked as annexure 'C'.

21. That the counting was done so hurriedly and in such a haphazard manner that it was hardly possible for the counting agents or the petitioner to inspect properly the ballot papers and their particulars which were improperly rejected, accepted or which were tied with the respondent No. 1 votes although they were of the petitioner. The petitioner and his agents therefore did not get a reasonable opportunity of making objections to such individual cases of improper rejection and acceptance of votes.

That the Petitioner craves leave to file particulars of such ballot papers when he is allowed an opportunity to see all the ballot papers. The counting agents of the candidates were seated in a row on one side of the counting tables arranged in rows of four tables each. Distance between the counting agent and the last table in the row was about 20 feet, and the counting clerks were counting the ballot papers in such a manner that it was not possible for any counting agent to see the contents of the ballot papers. This arrangement was in violation of the rules prescribed and the orders issued in this behalf by the election commissioner. Non observance of the rules and orders in this regard have led to denial of legal opportunity to the petitioner and his agents of making necessary objections to the decisions of the Returning Officer and his staff in rejecting and accepting improperly the ballot papers.

22. That on one of the ballot boxes of Bagar Middle School polling station in Jodhpur City I assembly constituency forming part of the Jodhpur Parliamentary constituency, there were no seals on the ballot box as a result of which the votes cast in that ballot box were not counted. About 250 votes were cast in that ballot box and in case the difference between the valid votes cast in favour of the petitioner or the respondent No. 1 is less than this figure, then it is desirable for repolling being held for the area covered by that polling station.

23. That the respondent No. 1, his election agent, his other agents and supporters including Shri Pushpati Nath Bhandari, Ghoron Ka Chowk, Jodhpur (Election Expert Committee) with the consent of respondent No. 1 got published

and distributed from time to time the following pamphlets to the votes in the entire Parliamentary constituency during the days of election in large numbers till 24th February, 1962.

- (a) CHUNAO TANTRA Bulletin No. 1 published by Neta Nirman Sangh and printed at Navyug Press, Jodhpur with caption as under: 'Kala bazari ka khanjar liye Shri N. K. Sanghi congressi ticket ke davedar hain' vide annexure 'D'.
- (b) CHUNAO TIMES Bulletin No. 2 published by Election Expert Committee and printed at Navyug Press, Jodhpur with caption as under: 'Dlmag aur daulat ka sangharsh' vide annexure 'E'.
- (c) CHUNAO TIMES Bulletin No. 3 published by Election Expert Committee and printed at Navyug Press, Jodhpur with caption as under: 'Agarwalon ne sanghiji ki khairat ko thukra diya' vide annexure 'F'.

That in the said pamphlets, serious allegations of fact against the personal conduct and character of the petitioner were levelled and that the said allegations or statements were false which they either believed to be false or did not believe to be true and the main purpose of the said statements was to lower the petitioner in the assessment of the electorate and to prejudice the prospects of the petitioner's election.

24. That without prejudice to the generality of the submission made in the above paragraph, the petitioner submits such of the particular passages and that the said passages contain extremely serious allegations against the petitioner and the said allegations are absolutely false. Such passages are given in the schedule annexed hereto.

25. That this action of the respondent No. 1 his agents and supports amounts to corrupt practice under section 123 clause 4 of the Representation of the People Act, 1951 and that on account of this reason, the election of the respondent No. 1 to the House of People should be set aside.

26. That a receipt dated 11th April 1962 for Rs. 2,000/- showing that a deposit of Rs. 2000/- has been made in the Government Treasury at Jodhpur in favour of the Election Commission as security for cost of the petition under section 117 of the Representation of People Act 1951 is enclosed.

27. It is prayed that

- (a) the election of respondent No. 1 be held null and void
- (b) all the ballot papers be re-counted, re-scrutinised and true result of election be ascertained
- (c) the petitioner be declared to have received majority of valid votes and it be further declared that the petitioner stands elected to the Lok Sabha (House of People) from Jodhpur Parliamentary Constituency
- (d) cost of the petition be allowed in favour of the petitioner against the respondents
- (e) the returned candidate (respondent No. 1) and his election agent who committed the corrupt practices be declared guilty of having committed corrupt practices and they be disqualified under the provisions of the Representation of People Act 1951.

NARENDRA KUMAR SANGHI,
Petitioner

Verification

I, Narendra Kumar Sanghi, do hereby on the thirteenth day of April 1962 at Jodhpur verify that from paras 1 to 20, 23, 24 and 26 of the petition are true according to my knowledge and paras No. 21, 22 and 25 are based upon information received by me which I believe to be true and para No. 27 is prayer.

NARENDRA KUMAR SANGHI,
Petitioner

ANNEXURE 'A'

Jodhpur, 13th April, 1962.

From

N. K. Sanghi

CAMP JAITARAN 27-2-62.

To

The Returning Officer,
For counting purposes at Jaitaran for Jodhpur
Parliamentary Constituency (19)
Jaitaran.

Sir,

This application is submitted with the request to recount all the ballot papers upto Ballonda (25) due to the following grounds:

*Not printed.

1. On my request, your honour checked ballot paper count sheet which had already been signed and passed by you, and found the following two material errors:

- (a) My votes which were more in number were put against Shri L. M. Singhvi and his lesser votes were recorded against my name. There was difference of nearly 100 votes.
- (b) My 3 valid ballot paper were found in the bundle of Shri Singhvi and counted in his favour.
- (c) After the above checking on further examination it was found that one ballot paper cast in favour of Shri Shankerlal was in the bundle of Shri Manglilal and counted in his favour.

These facts show that Shri Shankerlal and myself who are Congress candidates are being put to loss by certain interested parties.

Similar defects have been alleged in the counting of votes in the Jodhpur City assembly constituency.

Since there is a *prima facie* case that the bundles prepared by your staff are not to be relied and hence a recount is necessary to meet the ends of justice and request you to have the ballot papers of Raipur constituency upto polling booths 25 and the two Jodhpur Assembly Constituency.

I have raised all the above allegations to you verbally and am placing them as record in writing for the needful under Rule 63 of the Conduct of Election Rules 1961.

Thanking you,

Compared with the original and found correct

Sd/-

28-2-62

Sd/-

N. K. SANGHI,
Candidate for the
Jodhpur Parliamentary Constituency.
Recd. copy at 11.50 p.m.

Sd/-
27-2-62

Verified that this is a true copy of the application dated 27th February, 1962 submitted to the Returning Officer, Jodhpur Parliamentary Constituency by the petitioner.

Jodhpur,
Dated 13th April, 1962.

Sd/-

NARENDRA KUMAR SINGH,
Petitioner.

ANNEXURE 'B'

Date the 28th February 1962.

Telegram: EXPRESS

CHIEF ELECTORAL OFFICER
JAIPUR

COUNTING OF BALLOT PAPERS IN JODHPUR PARLIAMENTARY CONSTITUENCY HIGHLY DEFECTIVE BECAUSE MY BALLOT PAPERS MIXED UP WITH BALLOT PAPERS OF OTHER CANDIDATES AND MY HIGHER NUMBERS ENTERED AGAINST OTHER CANDIDATES WHILE THEIR LESSER NUMBERS ENTERED AGAINST MY NAME (.) SUBMITTED WRITTEN APPLICATION FOR RECOUNTING TO RETURNING OFFICER JODHPUR AND ALLEGATIONS ALSO FOUND CORRECT BY JAIPUR OFFICIALS AT OUR

CHECKUP (.) PLEASE ENSURE RECOUNTING OF BALLOT PAPERS FOR PARLIAMENTARY CONSTITUENCY.

NARENDRAKUMAR SANGHI
CANDIDATE JODHPUR PARLIAMENTARY
CONSTITUENCY (19)

Not to be telegraphed:

Sd./- N. K. SANGHI,
C/o Sanghi Brothers,
Jodhpur.

Verified that this is a true copy of the telegram dated 28th February 1962 addressed to the Chief Electoral Officer, Jaipur by the petitioner.

JODHPUR;
Dated 13th April 1962.

Sd./- NARENDRA KUMAR SANGHI,
Petitioner.

ANNEXURE 'C'

From

N. K. Sanghi,
Candidate for Jodhpur Parliamentary Constituency (19).

To

The Returning Officer,
Jodhpur Parliamentary Constituency (19),
Jodhpur.

SUBJECT:—*Application for recounting of ballot papers under Rule 63 of the conduct of Election Rules 1951 of Jodhpur Parliamentary Constituency.*

Dear Sir,

I have to submit in the above matter as under:

The ballot papers in the above constituency for the part comprising Jodhpur A, Jodhpur B and Luni Assembly constituencies were counted at Jodhpur on the 26th instant.

Several errors in counting ballot papers and placing them in bundles and entering number of valid votes against the name of the candidates have taken place.

My counting Agent Shri C. P. S. Nair of the Jodhpur 'B' constituency had informed me with regard to Polling Booth No. 58 of the Jodhpur 'B' Assembly constituency that on his enquiry at the table where ballot papers were being counted for that constituency, he had been told by the persons concerned in the count that I had polled 164 votes while Shri Singhvi had polled 126 votes. However, at the end of the count when others brought the count for the said polling booth No. 58, I found that only 114 votes have been entered against my name whereas 176 votes were entered against Shri Singhvi.

I understand the votes polled by each candidate are tied up in the bundles of 50 each and the ballots are then totalled up according to the number of bundles and some times bundles of 50 from the lot of one candidate get mixed up in the lot of some other candidate.

I also learnt that the total number of votes polled by one candidate some times erroneously get entered against the name of another candidate while entering the number in the list.

While the ballot papers in the constituency for the part comprising of Raipur Assembly constituency were being counted on 27th February 1962 at Jaitaran, I reached there when the tabulation of bundles of ballot papers of Balunda Polling Booth No. 25 was approved by the officer and the list had been signed. I requested him to check the bundles with the entry in the list in my presence. He was good enough to do so in the presence of myself and the counting agent of Shri Singhvi. The list had shown against my name 167 votes and against the name of Shri Singhvi 245 votes. The check, however, revealed that the larger number of votes were in my favour. On further check of the bundles themselves, it was revealed

that 3 valid votes polled by me had got tied up in the bundle of the votes for Shri Singhvi. The officer recorded this fact in his own hand on the list itself. Thereupon, I gave an application in writing for recount of the votes. I enclose herewith a copy of the application which I made to the officer concerned at Jaitaran showing a copy of the endorsement made by him on my application of its receipt by him on 27th February 1962. You will also find the endorsement made by him in his record of the check-up by him as stated above and the aforesaid discoveries in Raipur constituency polling station Baloonda 25. The officer however told me that he would check-up the matter after the counting for the entire Raipur constituency would be completed. I requested him to test check and recount the ballot papers for the polling station previously counted by the same table while I was present at the spot but he did not accede to my request.

These mistakes seriously affect the result of the election and only the recount of the ballot papers will ensure the correct result. I have therefore to request you to kindly order and affect the recount of the ballot papers for the Jodhpur Parliamentary Constituency.

Thanking you,

Yours faithfully,

Sd./- N. K. SANGHI,

Contesting Candidate for
Jodhpur Parliamentary Constituency.

Verified that this is a true copy of the application submitted on 1st March 1962 to the Returning Officer, Jodhpur Parliamentary Constituency, Jodhpur by the Petitioner.

JODHPUR;
Dated 13th April 1962.

Sd./- NARENDRA KUMAR SANGHI,
Petitioner.

[No. 182/303/62.]

By Order,

K. K. SETHI, Under Secy.,

New Delhi, the 8th May 1962

S.O. 1492.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 341 of 1962, presented to the Commission on the 24th April, 1962, under section 81 of the said Act, by Shri Sibō Larho of Punanamei, P.O. Mao, Manipur, calling in question the election to the House of the People from the Outer Manipur Constituency of Shri Rishang of Village Bongpa Khunou, P.O. Chasat, Manipur.

BEFORE THE ELECTION COMMISSION, INDIA

ELECTION PETITION No. 341 of 1962

Sibō Larho of Punanamei, P.O. Mao, Manipur—Petitioner

Vs.

1. Shri Rishang of Village Bongpa Khunou, P.O. Chasat, Manipur.
2. Shri Vungkhom of Village Hianglam Lamka, P.O. Churachanpur, Manipur.
3. Shri Chungkhokai Dungal of Village Bongmol, P.O. Kangpokpi, Manipur.
4. Shri T. Gougin, P.O. Churachanpur, Manipur.—Respondents.

Petition under Chapter II Part VI of the Representation of People Act, 1951; read with the conduct of Election Rules 1961.

1. In the recent 1962 General Elections, Petitioner and the Respondents were the contesting candidates in the Outer Manipur Parliamentary Constituency in the State of Manipur.

2. The Election Commission by notification published in the official Gazette directed that all the Polling Stations of Manipur including the two Parliamentary constituencies, e.g. (a) The Inner Manipur Parliamentary Constituency and (b) The Outer Manipur Parliamentary Constituency to be 'Notified Polling Stations'.

3. The relevant Rules of the Conduct of Election Rules, 1961 with regard to the 'Notified Polling Station' are set out hereunder:—

Rule 49 (3) Provides that:—

(3) "The provisions of Rules 28 to 48 shall apply in relation to every 'Notified Polling Station' subject to the following modifications, namely:

- (a) * * * *
- (b) In lieu of sub-rules (2) and (3) of rule 31, the following sub-rules shall apply:
 - (2) "At each notified polling station there shall be set up one voting compartment in which the ballot boxes, one for each candidate, shall be placed for the reception of ballot papers during the poll....."
- (3) * * * *
- (c) in lieu of sub-rules (5), (6) and (7) of rule 33, the following sub-rules shall apply:—
 - (5) "The symbol allotted to each candidate under rule 10 shall be printed on labels which shall be affixed both inside and outside the ballot box and such ballot box shall thereafter be deemed to have been allotted to that candidate".
 - (6) "Each ballot box shall also be marked with such other distinguishing marks as the Election Commission may direct".
 - (7) "Immediately before the commencement of the poll, the presiding officer shall allow inspection of each ballot box by the polling agents present and demonstrate to them that
 - (a) it is empty
 - (b) proper labels have been affixed both inside and outside the box and
 - (c) the ballot box is marked in accordance with sub-rule (6)
 - (d) * * * *
 - (e) * * * *
 - (f) * * * *
- (g) in lieu of rule 44, the following rule shall apply:—
 - "44.A. (1) "As soon as practicable after the closing of the poll, the presiding officer shall close the slit of each ballot box and where the boxes do not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seals"
 - (2) All the ballot boxes shall thereafter be sealed and secured."

Counting of votes at notified polling stations

59. In relation to the counting of ballot papers found in ballot boxes used at notified polling stations, rules 50 to 54 and, in lieu of rules 55, 56 and 57 the following rules shall apply, namely:—

Scrutiny and opening of ballot boxes

- 55. A(1) * * * *
- (2) * * * *
- (3) Before any ballot box is opened, the counting agents present shall be allowed to inspect the paper seal or any other seal that might have been affixed thereon and to satisfy themselves that it is intact.
- (4) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.
- (5) If the returning officer is satisfied that any of the ballot boxes has in fact been tampered with, he shall not count the ballot papers contained in any of the ballot boxes used at the polling station at which such box was used and shall proceed as laid down in section 58 in respect of that polling station.
- (6) * * * *
- (7) If any question arises as to the candidate to whom a particular ballot box was allotted at the poll, the returning officer shall decide such question by a reference to the symbol inside the box.

* * * *

4. The Poll for the Outer Manipur Parliamentary constituency took place on 19th, 23rd and 27th March, 1962.

5. The names of the candidates with their Symbols & Votes polled as per return of the Returning Officer are as under:—

<i>Name of candidate</i>	<i>Symbol</i>	<i>No. of valid votes polled</i>
1. Shri Sibo Larho	Two Bullocks with yoke on	35,579
2. Shri Rishang	Tree	35,621
3. Shri Vungkhom	Two leaves	18,898
4. Shri Chungkhokai Doungel	Bicycle	15,927
5. Shri T. Gougin	Scale	13,305
Total No. of valid Votes Polled :		1,19,330

6. The difference of votes between the petitioner and Shri Rishang, the returned candidate as at present, is only of 42 votes.

7. That in Shingtom 'Notified Polling Station' being No. 21/21 of Tenaopal which was within the Territorial Council Constituency and which was a 'Notified Polling Station' as mentioned above, a serious illegality was committed by the Returning Officer in as much as one of the ballot boxes of the said 'Notified Polling Station' bearing inside the symbol "Tree" belonging to Shri Rishang and other bearing inside symbol 'Scale' belonging to Shri T. Gougin were detected at the time of counting, i.e. when the ballot boxes were opened in the presence of the counting agents of the candidates, and they were allowed inspection of the ballot boxes to satisfy themselves that they bore the proper symbol inside, they noticed that two of the Ballot boxes were tampered with as on the outside of the said two Ballot Boxes the proper symbols were not affixed. The symbols were different on the outside of the ballot boxes from that of the symbols inside the boxes as already stated herein before. That is to say (a) the box bearing 'Tree' inside, bore the symbol of 'Scale' outside; and (b) the box bearing 'Scale' inside, bore symbol of 'Tree' outside.

8. In spite of objections from your petitioner's counting agents and other candidates and in violation of the relevant Rules of the Conduct of Elections Rules 1961, the Returning Officer, decided the identity of the above boxes according to the symbols bearing on the outside of respective boxes and made the counting on this basis. This was in utter violation of the Rule 59 setting out Rule 55A (5), (6) & (7). It was incumbent on the returning officer to decide the question of identity of these two Ballot Boxes by a reference to the symbol inside the box.

9. As a result of the above wrongful identification and counting of votes by arbitrary method adopted by the Returning Officer 345 votes cast in the Ballot Box bearing the symbol of 'Scale' inside, the Ballot Box being that of Shri T. Gougin were wrongly counted in favour of Shri Rishang, and 219 votes cast in the Ballot Box bearing the symbol of 'Tree' inside, the Ballot Box being that of Shri Rishang were made to go to the account of Shri T. Gougin, thus amounting to improper reception and/or refusal and/or rejection of votes which is void. Therefore, materially affecting the results of the elections of Shri Rishang, the returned candidate.

10. If the counting of the votes in the above two ballot boxes were done on correct basis and the actual identity of the boxes, according to the Mandatory Rules, Shri Rishang would have got 126 votes less namely 345 votes minus 219 votes.

11. In the event of the ballot papers inside the ballot box having the symbol of 'Scale' inside the ballot box and 'Tree' outside the ballot box being counted in favour of Shri T. Gougin and ballot papers inside the ballot box having 'Tree' as symbol inside the ballot box, which was meant for Shri Rishang, then Shri Rishang would have secured 35,495 votes, thereby the petitioner would have been returned by a margin of 84 votes.

12. This irregularity has affected the result of the election in utter disregard to and non-compliance of the Provisions of the Constitution, the Representation of People Act 1950, the Representation of People Act 1951, the Conduct of Elections Rules 1961 and Orders under the Acts have all been violated in the Election in this Constituency.

13. The result of the elections in so far as it concerns Shri Rishang—the returned candidate has been materially affected by the improper reception of the

votes and/or rejection of the votes of Shri Rishang to Shri T. Gougin and *vice versa* as mentioned herein before and by the non-compliance with the provisions of the Constitution and the People Representation Act 1951 and Rules & Order made thereunder.

14. In the circumstances stated above it is necessary in the interest of justice that a tribunal be set up for the recount of Ballot papers of Shingtom Polling Station No. 21/21 of the Outer Manipur Parliamentary constituency in this case and in doing so the ballot papers in the ballot box having the symbol of 'Tree' inside should be taken in the count in the favour of Shri Rishang and the ballot papers in the ballot box having the symbol of 'Scale' inside should be taken in the count of Shri T. Gougin.

15. After taking the above-mentioned facts into consideration if on the count it is found that the petitioner has received larger number of votes in the Outer Manipur Parliamentary constituency than the first Respondent Shri Rishang, i.e. 84 votes or any other number of votes more than Shri Rishang, the election of the first Respondent Shri Rishang should be declared to be void and the petitioner should be declared to be duly elected.

16. The various irregularities detailed in the foregoing paragraphs the election has not been conducted in accordance to, and the counting has not been made in compliance with, the provisions of the Constitution and of the Representations of the People Act 1950 and 1951 and of Rules and Orders made thereunder. The result of the election has been materially affected by such non-compliance.

17. If for any reason whatsoever the petitioner cannot be declared to be duly elected after recount as prayed for above and if it is not found expedient to have a fresh poll of Shingtom Polling Station, the election of the first respondent should be declared void and a re-election ordered.

18. All the four contesting candidates other than the petitioner have been joined as respondents to this petition. A Government Treasury Receipt showing that a deposit of Rs. 2,000/- has been made with Reserve Bank of India, New Delhi is enclosed in original.

19. This petition may be referred to an Election Tribunal for trial.

The prayers of the petitioner are:

- (a) That this petition be referred to an Election Tribunal for trial.
- (b) That the Tribunal be pleased to declare the election of the first respondent to be void and declare the petitioner to be duly elected; In the alternative:
- (c) A fresh counting of Ballot Papers of the Shingtom Polling Station being No. 21/21 of the Tenaopal Territorial Council Constituency be ordered in accordance to the Provision of the Representations of People Act 1950 and 1951 and Rules made thereunder and the result of the election reviewed in the light of the result of such fresh counting and the petitioner may be declared to be elected.
- (d) That the Tribunal be pleased to declare the election of the first respondent to be void and re-election ordered in case the Tribunal does not decide to grant prayer (b) and (c) and
- (e) That the first respondent be ordered to pay the costs of the petitioner.

Signed at New Delhi on this the 24th day of April, 1962.

SIBO LARHO,
Petitioner.

VERIFICATION

I, Sibbo Larho solemnly do hereby verify that the statement contained in paragraphs 1, 2, 4 to 9, 12, 18 and 10 & 11 partly of the above petition are true to the best of my knowledge and those stated in the other paragraphs are true to the best of my information and belief.

Verified and signed at New Delhi on this the 24th day of April, 1962.

SIBO LARHO,
Petitioner.

[No. 82/341/62.]

By order,

V. RAGHAVAN, Under Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 14th May 1962*

S.O. 1493.—In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 4 of the Criminal Law Amendment Act, 1961 (23 of 1961), the Central Government hereby declares every issue of the document entitled "Pakistan Tourist Map" published by the Director Tourism, Ministry of Commerce, Government of Pakistan, Karachi, in 1961, to be forfeited to the Government on the ground that the said document, the publication of which is punishable under section 2 of the said Act, erroneously depicts Kashmir as a disputed territory and Junagarh and Manavadar in such a manner as to give the impression that they belong to Pakistan, thus questioning the territorial integrity and frontiers of India in a manner which is likely to be prejudicial to the interests of the safety and security of India.

[No. 4/5/62-Poll(I).]

N. SAHGAL, Joint Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 10th May, 1962

S.O. 1494—Statement of the Affairs of the Reserve Bank of India, as on the 4th May, 1962.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	14,83,69,000
Reserve Fund	80,00,00,000	Rupee Coin	2,43,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	3,22,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
		(b) External
		(c) Government Treasury Bills	52,10,27,000
Deposits :—			
(a) Government			
(1) Central Government	51,36,10,000	Balances held abroad*	5,93,78,000
(2) Other Governments	16,06,38,000	**Loans and Advances to Governments	113,63,55,000
(b) Banks	78,97,50,000	Other Loans and Advances†	129,56,88,000
(c) Others	151,60,36,000	Investments	181,31,68,000
Bills Payable	30,74,38,000	Other Assets	35,85,33,000
Other Liabilities	63,61,11,000		
RUPEES	533 35,83,000	RUPEES	533,35,33,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 7,86,00,000/- advanced to scheduled banks against usance bills under Section 17 (4) (e) of the Reserve Bank of India Act.

Dated the 9th day of May, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 4th day of May, 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	14,83,69,000		A. Gold Coin and Bullion :—		
Notes in circulation	2145,14,21,000		(a) Held in India	117,76,03,000	
Total Notes issued		2159,97,90,000	(b) Held outside India		
			Foreign Securities	105,00,07,000	
			TOTAL OF A		222,76,10,000
			B. Rupee Coin		115,34,87,000
			Government of India Rupee Securities		1820,86,93,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		2159,97,90,000	TOTAL ASSETS		2159,97,90,000

Dated the 9th day of May, 1962.

P. C. BHATTACHARYA,
Governor.

[No. F. 3(2)-BG/62.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 11th May 1962

S.O. 1495.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri S. Narayanan, Income-tax Officer, Class I, as Authorised Representative, Income-tax Appellate Tribunal, Calcutta, with effect from the afternoon of the 6th April 1962 to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 95.]

M. G. THOMAS, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 8th May 1962

S.O. 1496.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income Tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circle, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range

Income-tax Circles, Wards and Districts.

I	2
Amritsar	<ol style="list-style-type: none"> 1. Amritsar 2. Special Survey Circle, Amritsar. (In respect of the persons who have their place of business in or reside in the district of Amritsar) 3. Foreign Circle, Amritsar. 4. Estate Duty Cum Income Tax Circle, Amritsar. 5. Special Investigation Circles A, B and C, Amritsar. 6. Special Wards I and II, Amritsar. 7. Srinagar. 8. Kashmir Moffussil, Srinagar. 9. Salary Circle, Srinagar. 10. Project Circle, Srinagar. 11. Special Ward, Srinagar. 12. Survey Circle, Srinagar. 13. Jammu. 14. Project Circle, Jammu. 15. Udampur. 16. Project cum Udampur Circle, Udampur.
Jullundur	<ol style="list-style-type: none"> 1. Jullundur. 2. Salary Circle, Jullundur. 3. Gurdaspur. 4. Hoshiarpur. 5. Ferozepur. 6. Sangrur. 7. Special Survey Circle, Amritsar. (In respect of persons who have their principal place of business or reside in the jurisdiction of the Income-tax Circles specified in entries 1, 3, 4 and 5). 8. Special Survey Circle, Patiala. (In respect of persons who have their principal place of business or reside in the jurisdiction of the Income-tax Circles specified in entry 6).

1

2

Ludhiana	1. Ludhiana. 2. Chandigarh. 3. Special Survey Circle, Amritsar. (In respect of persons who have their principal place of business in or reside in the jurisdiction of the Circles specified in the entry 1) 4. Special Survey Circle, Patiala. (In respect of persons who have their principal place of business in or reside in the jurisdiction of the Circles specified in the entry 2)
Patiala.	1. Patiala. 2. Companies Circle, Patiala. 3. Estate Duty-Cum-Income tax Circle, Patiala. 4. Project Circle, Patiala. 5. Simla. 6. Bhatinda. 7. Karnal. 8. Special Survey Circle, Patiala. (In respect of the persons who have their principal place of business or reside in the jurisdiction of the Income tax Circles specified in entries No. 1, 5, 6 and 7)
Rohtak	1. Ambala. 2. Special Investigation Circle, Ambala. 3. Rohtak. 4. Hissar. 5. Special Survey Circle, Patiala. (In respect of the persons who have their principal place of business or reside in the jurisdiction of the Income tax Circles specified in entries No. 1, 3 and 4)

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force on 14th May, 1962.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax, Patiala.

(This note does not form a part of the notification but is merely clarificatory).

[No.23-F.No. 50/14/62-IT)]

New Delhi, the 14th May 1962

S.O. 1497.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
'A' Range, Ahmedabad	1. Group Circles A, B & C, Ahmedabad. 2. Circle VI, Ahmedabad.
'B' Range, Ahmedabad	1. Central Circle, Ahmedabad. 2. Special Investigation Circle, Ahmedabad. 3. Circle II, Ahmedabad. 4. Circle III, Ahmedabad.

Range 1	Income-tax Circles, Wards and Districts 2
'C' Range, Ahmedabad	<ol style="list-style-type: none"> 1. Special Survey Circle, Ahmedabad. 2. Circle IV, Ahmedabad. 3. Palanpur Circle. 4. Patan Circle.
'D' Range, Ahmedabad	<ol style="list-style-type: none"> 1. Group Circles D, E, F, G, H and J, Ahmedabad. 2. Circle V, Ahmedabad.
'E' Range, Ahmedabad	<ol style="list-style-type: none"> 1. Circle I, Ahmedabad. 2. Nadiad Circle.
'A' Range, Baroda	<ol style="list-style-type: none"> 1. Circle I, Baroda. 2. Broach Circle. 3. Petlad Circle.
'B' Range, Baroda	<ol style="list-style-type: none"> 1. Circle II, Baroda. 2. E.D. cum I.T. Circle, Baroda. 3. Godhra Circle.
Bulsar	<ol style="list-style-type: none"> 1. Bulsar Circle. 2. Navsari Circle. 3. Circle II, Surat.
Surat	<ol style="list-style-type: none"> 1. Circle I, Surat.
Rajkot	<ol style="list-style-type: none"> 1. Rajkot Circle. 2. Special Survey Circle II, Rajkot. 3. Morvi Circle. 4. Bhuj Circle.
Bhavnagar	<ol style="list-style-type: none"> 1. Bhavnagar Circle. 2. Junagadh. 3. Surendranagar Circle. 4. Amreli Circle. 5. Mehsana Circle.
Jamnagar	<ol style="list-style-type: none"> 1. Jamnagar Circle. 2. Porbandar Circle.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate

Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force from 17th day of May 1962.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax, Gujarat, Ahmedabad.

(This note does not form a part of the notification but is merely clarificatory.)

[No. 24 (F. No. 50/6/62-IT).]

D. V. JUNNARKAR, Under Secy.

COLLECTORATE OF CENTRAL EXCISE: WEST BENGAL: CALCUTTA:

CENTRAL EXCISE

Calcutta, the 24th April 1962

S.O. 1498.—In exercise of the powers conferred upon me by Rule 5 of Central Excise Rules, 1944, I hereby authorise the Deputy Collector of Central Excise, to exercise within his jurisdiction in the Collectorate of Central Excise & Land Customs, West Bengal, Calcutta the powers of Collector under the rules enumerated in Column 1 of the table appended hereto subject to the extent of delegation and condition set out in Columns 2 and 3 thereof—

Relevant C.E. Rule in respect of which power is delegated.	Extent of delegation	Condition, if any
1	2	3
14-A	Full powers to refuse permission to make further exports of goods under bond in case of failure to pay duty and penalty demanded under the rule.	
14-B	Power to order for overdrawal against B-1 bond upto a maximum of 75% of the Bond amount in each case.	
27(4) & 147	Remission of duty due upto a maximum of Rs.750/- in each case.	Subject to a report being made to the Collector.
Rule 32 & Sub-para (g) of Board's Notification No. 24-C, Ex. dt. 23-7-49 issued under this rule (printed as NOTE below the rule).	Full powers.	

I	2	3
49	Waiving of duty upto a maximum of Rs. 750/- in each case on goods claimed by manufacturers as unfit for marketing.	Subject to a report being made to the Collectors.
196, 191(8) and 191-A(12)	Forfeiture of security upto a maximum of Rs. 750/- in each case.	Do.

[No. 3/1962.]

Sd/- M. C. DAS, Collector.

CORRIGENDUM

S.O. 1499.—In the Central Excise—Notification No. 10/62 dated 24th March 1962 at page 915 of Part II—Section 3(ii) of the Gazette of India, dated 7th April, 1962, under col. (5) of the Schedule to the Notification the word “3 acres” may be read as “3 ares”.

[No. 10/62.]

B. SEN, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 8th May 1962

S.O. 1500.—The Central Government hereby notifies that the Lok Sabha has, in pursuance of clause (c) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), elected on the 3rd May, 1962, the following members of the Lok Sabha to be members of the Central Silk Board, namely:—

1. Shri Bhagwat Jha Azad.
2. Shri Sham Lal Saraf.
3. Shri Dodda Thimmasiah.
4. Shrimati Vimla Devi.

[No. F. 22/1/61-HS(2).]

R. KALYANASUNDARAM, Under Secy.

ORDER

New Delhi, the 9th May 1962

S.O. 1501.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Art Silk Textiles (Production and Distribution) Control Order, 1962, namely:—

- (1) This Order may be called the Art Silk Textile (Production and Distribution) Amendment Order, 1962.
- (2) In clause 3 of the Art Silk Textiles (Production and Distribution) Order, 1962, after sub-clause (2), the following sub-clause shall be inserted, namely:—

“No person shall, after the commencement of the Art Silk Textiles (Production and Distribution) Amendment Order, 1962, acquire or instal any spindle for production or doubling/twisting of art silk.

yarn, except with the permission in writing of the Textile Commissioner."

[No. F. 23(2)-Tex(D)/61.]

A. G. V. SUBRAHMANIAM, Under Secy.

ORDER

New Delhi, the 11th May 1962

S.O. 1502.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 18-A of the Industries (Development and Regulation) Act, 1951 (85 of 1951), the Central Government hereby appoints Shri A. K. Chanda as the Chairman of the Board of Management of Messrs. Jessop & Co., Ltd., Calcutta, and makes the following amendment in the Notification of the Government of India, Ministry of Commerce and Industry Order No. S.O. 867, dated the 15th May, 1958, namely:—

Amendment

In the said notification for item (1), the following shall be substituted, namely:—

"(1) Shri A. K. Chanda, 5, Sonehribagh Road, New Delhi-11."

[No. 9(2)/Lic.Pol./62.]

S. RANGANATHAN, Secy.

(Indian Standards Institution)

New Delhi, the 27th April, 1962

S.O. 1503.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from 15th May, 1962.

THE SCHEDULE

Sl. Design No. of the Standard Mark	Product/Class of Product to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark	
(1)	(2)	(3)	(4)	(5)
1	IS:652	Wooden Separators for Lead-Acid Storage Batteries	IS:652-1960 Specification for Wooden Separators for Lead-Acid Storage Batteries (<i>Revised</i>)	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top-side of the monogram as indicated in the design



S.O. 1504.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Wooden Separators for Lead Acid Storage Batteries details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 15th May, 1962.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1	Wooden Separators for Lead-Acid Storage Batteries	IS:652-1960 Specification for Wooden Separators for Lead-Acid Storage Batteries (Revised)	100 Separators	5 nP.

[No. MD/18:2.]

S.O. 1505.—In partial modification of the rate of marking fee for Ink, Drawing, Waterproof, Black, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institute), Notification No. S.O. 569, dated 5th March, 1959, published in the Gazette of India, Part II—Section 3—Sub-Section (ii), dated the 14th March, 1959, the Indian Standards Institution hereby notifies that the marking fee per unit for Ink, Drawing, Waterproof, Black, details of which are given in the Schedule hereto annexed has been revised. The revised rate of marking fee shall come into force with effect from 15th May, 1962.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Ink, Drawing, Waterproof, Black	IS:789-1955 Specification for Ink, Drawing, Waterproof, Black	One hundred Bottles, each Bottle containing 30 ml of Ink One hundred Bottles, each Bottle containing 60 ml of Ink	15 nP 30 nP.

with a minimum of Rs. 900.00 for production during a calendar year.





[No. MD/18:2/A.]

New Delhi, the 30th April, 1962.

S.O. 1506.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Marks, design of which together with the verbal description of the designs and the titles of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified.

These Standard Marks, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from 15th May, 1962.

THE SCHEDULE

Sl No	Design of the Standard Mark	Product/Class of Product to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS:1384 	Oil Pressure Lantern	IS 1384-1959 Specification for Oil Pressure Lantern	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2	IS:1536  CLASS LA	Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage	IS:1536-1960 Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage	The monogram of the Indian Standards Institution, consisting of letters, ISI, drawn in the exact style and relative proportions as indicated in column (2), the number designation of the Indian Standard being superscribed on the top side of the monogram and the relevant grades designation being subscribed under the bottom side of the monogram as indicated in the designs.
	IS:1536  CLASS A			
	IS:1536  CLASS B			

[No. MD/17 2/A.]

S O. 1507.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Oil Pressure Lantern and Centrifugally Cast (Spun) Pressure Pipes for Water, Gas and Sewage details of which are given in the Schedule hereto annexed have been determined and the fees shall come into force with effect from 15th May, 1962..

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Oil Pressure Lantern	IS 1384-1959 Specification for Oil Pressure Lantern	One Lantern	35 nP per unit with a minimum of Rs. 3,500 00 for production during a calendar year.

(1)	(2)	(3)	(4)	(5)
2	Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage	IS 1536-1960 Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.	One Metric Tonne	20 nP per unit with a minimum of Rs. 3,000 00 for production during a calendar year.

[No. MD/18:2/B.]

New Delhi, the 9th May 1962

S.O. 1508.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that seventeen licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No and date	Period of Validity		Name and address of the Licensee	Article(s) covered by the Licence	Relevant Indian Standard(s)
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-78 24-4-1958	1-5-62	30-4-63	M/s Crossley and Towers Private Limited, 3, Robinson Street, Calcutta-16.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (Revised)
2	CM/L-79 24-4-1958	1-5-62	30-4-63	M/s National Timber Industries, 3 & 4 Rashmoni Bazar Road, Calcutta-10.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (Revised)
3	CM/L-80 24-4-1958	1-5-62	30-4-63	M/s Das and Company, 32, Chaulpatty Road, Calcutta-10.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests. (Revised)
4	CM/L-82 24-4-1958	1-5-62	30-4-63	M/s Dhubri Plywood Factory, Dhubri.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (Revised)
5	CM/L-86 24-4-1958	1-5-62	30-4-63	The Surma Match and Industries Private Ltd., 67-B, Netaji Subhas Road, Calcutta-1.	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chest (Revised)
6	CM/L-180 30-3-1960	15-4-62	14-4-63	M/s Shiv Scientifics & Chemicals, 47, Vijay Nagar Colony, Agra.	Nitric Acid, Pure and Analytical Reagent Grades	IS: 264-1950 Specification for Nitric Acid
7	CM/L-181 30-3-1960	15-4-62	14-4-63	M/s Shiv Scientifics & Chemicals, 47, Vijay Nagar Colony, Agra.	Hydrochloric Acid, Pure and Analytical Reagent Grades	IS: 265-1950 Specification for Hydrochloric Acid
8	CM/L-182 30-3-1960	15-4-62	14-4-63	M/s Shiv Scientifics & Chemicals, 47, Vijay Nagar Colony, Agra.	Sulphuric Acid Pure and Analytical Reagent Grades	IS: 266-1950 Specification for Sulphuric Acid

(1)	(2)	(3)	(4)	(5)	(6)	(7)
9	CM/L-185 26-4-1960	1-5-62	30-4-63	M/s Shalimar Tar Products (1935) Limited, 6, Lyons Range, Calcutta.	Bitumen Felts for Water-Proofing and Damp-Proofing	IS: 1322-1959 Specification for Bitumen Felts for Water-Proofing and Damp-Proofing
10	CM/L-186 26-4-1960	1-5-62	30-4-63	M/s P.S.G. & Sons Charity Industrial Institute, Peclamedu Coimbaore-4.	Three-phase Induction Motors from 1 H.P. to 10 H.P.	IS: 325-1959 Specification for Three-phase Induction Motors (<i>Revised</i>)
11	CM/L-187 26-4-1960	1-5-62	30-4-65	The Indian Cable Co. Ltd., 9, Hare Street, Calcutta.	Paper Insulated Lead-Sheathed Cables for Electricity Supply (Working Voltage Up to and Including 11 Kv)	IS: 692-1957 Specification for Paper-Insulated Lead-Sheathed Cables for Electricity Supply.
12	CM/L-284 24-3-1961	15-4-62	14-5-63	M/s Huns Dewan & Co., 158 Upper Duncan Road, By-culla, Bombay-8.	Biscuits (Excluding Wafer Biscuits) of the following varieties: Zoological, Kindergarten, Diamond, Gem, Flower, Ringlette and Charm	IS: 1011-1957 Specification for Biscuits (Excluding Wafer Biscuits)
13	CM/L-285 28-3-61	15-4-62	14-4-63	M/s All India Medical Corporation, Mulji Jetha Building, 185, Princess Street, Bombay-2.	BHC Dusting powders	IS: 561-1958 Specification for BHC Dusting Powders (<i>Revised</i>)
14	CM/L-286 28-3-1961	15-4-62	14-4-63	M/s All India Medical Corporation, Mulji Jetha Building, 185, Princess Street, Bombay-2.	DDT Dusting Powders	IS: 564-1955 Specification for DDT Dusting Powders
15	CM/L-287 28-3-1961	15-4-62	14-4-63	M/s Hindustan Breakfast & Food Manufacturing Factory, Najafgarh Road Industrial Area, New Delhi-15.	Corn Flakes	IS: 1158-1957 Specification for Corn Flakes
16	CM/L-288 28-3-1961	15-4-62	14-4-63	M/s Dr. Writer's Chocolates & Canning Company, Bhavanishankar Road, Dadar, Bombay-28.	Macaroni, Spaghetti and Vermicelli	IS: 1485-1959 Specification for Macaroni, Spaghetti and Vermicelli

(1)	(2)	(3)	(4)	(5)	(6)	(7)
17	CM/L-239 30-3-1961	15-4-62	14-4-63	M/s Devidayal(Salea) Private Ltd., Gupta Mills Estate, Reay Road, Daru- khana, Bombay-10	BHC Water Dispersible Powder Concentrates	IS: 562-1958 Spe- cification for BHC Water Dispersible Powder Concentrates (Revised)

[No. M.D./12:388]

S.O.1509.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that eleven licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of validity		Name and address of the Licensee	Articles/ Process covered by the Licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-401 29-3-1962	1-6-62	31-5-63	M/s Ronald Arms- trong, Causeway House, Colaba Cau- seway, Bombay-5	Tumbler Switches, Single Pole One Way and Two Way Type with Moul- ded or Por- celain Base, Ca- pacity 5 amps, A.C.	IS: 1087-1957 Spe- cification for Single Pole 5-Ampere Tumbler Switches for AC/DC
2	CM/L-403 2-4-1962	15-4-62	14-4-63	The Hindustan Mi- neral Products Co. Private Ltd., Plot No. 27, Manganese Depot, Sewri, Bom- bay-15 having their head office at 111, Industrial Area, Sion, Bombay-22.	BHC Dust- ing powders	IS: 561-1958 Spe- cification for BHC Dusting Powders (Revised)
3	CM/L-404 26-4-1962	1-5-62	30-4-63	M/s Bharat Pulver- ising Mills Pvt. Ltd., 38-A, Sayani Road, Bombay-28	Aldrin emul- sifiable Concentra- tes	IS: 1307-1958 Spe- cification for Aldrin Emulsifiable Con- centrates

(1)	(2)	(3)	(4)	(5)	(6)	(7)
4	CM/L-405 26-4-1962	1-5-62	30-4-63	M/s. Deccan Aluminium Stores, New Sun Mill Compound, Delisle Road, Bombay-12 having their head office at 56, 1st Bhoiwada, Bombay-2.	Wrought Aluminium and Aluminium Alloy Utensils.	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (<i>Second Revision</i>).
5	CM/L-406 25-4-1962	1-5-62	30-4-63	The Ganges Plywood Manufacturing Co. Private Ltd., 25, Dent Mission Road, Calcutta-23.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Plywood Tea-Chests (<i>Revised</i>).
6	CM/L-407 27-4-1962	15-5-62	14-5-63	M/s India Veners & Separators Company, Dalhousie (Punjab)	Wooden Separators for Lead-Acid Storage Batteries.	IS : 652/1960 Specification for Wooden Separators for Lead-Acid Storage Batteries (<i>Revised</i>).
7	CM/L-408 27-4-1962	15-5-62	14-5-63	M/s. Fash Works, 2151/1, Patel Road, New Delhi-12.	Ink, Drawing, Waterproof, Black.	IS : 780-1955 Specification for ink, Drawing Water proof, Black
8	CM/L-409 27-4-1962	15-5-62	14-5-63	M/s. Alpha Electric and Engineering Company, 80, Bhavanishankar Road, Dadar, Bombay-28 having their head office at 30, Calicut Street, Ballard Estate, Bombay-1.	Three-phase Induction Motors of 1 HP.	IS : 325-1961 Specification for Three-Phase Induction Motor (<i>Second Revision</i>).
9	CM/L-410 30-4-1962	15-5-62	14-5-63	M/s. Racek Industries Private Ltd., 12-A, Agre Road, Vikhroli, Bombay-79 having their Registered Office at Shreeji Bhuvan, Lohar Street, Bombay-2.	Oil Pressure Lanterns	IS : 1384-1960 Specification for Oil Pressure Lanterns.
10	CM/L-411 30-4-1962	15-5-62	14-5-63	The Mysore Insecticides Company, 18, Vaidyanatha Mudali Street, Tondiarpet, Madras-21 having their office at 21-A, North Beach Road, Madras-1.	BHC Water Dispersible Powder Concentrates.	IS : 562-1958 Specification for BHC Water Dispersible Powder Concentrates (<i>Revised</i>).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
11	CM/L-412 30-4-1962	15-5-62 14-5-63	M/s. Dalmia Iron & Steel Limited, P.O. Sukchar, Dist. 24-Parganas, W. Bengal.	Centrifugal-ly Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.	IS : 1536-1960 Specification for Centrifugally Cast (Spun) Iron Pressure Pipes for Water, Gas and Sewage.	

[No. M.D/12:638.]

LAL C. VERMAN,
Director.

(Indian Standards Institution)

New Delhi, the 4th May 1962

S.O. 1510.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

SL No.	No. and title of the Indian Standard amended	No. and date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the Amendment	Brief Particulars of the Amendment	Date of effect of the Amendment
1	2	3	4	5	6
1	IS : 755-1955 Specification for Handloom Cotton Malmal, Bleached.	S.R.O. 701 dated 24th March, 1956	No.1 February, 1962	<p>(i) The existing clause 0.7 has been deleted and substituted by a new clause.</p> <p>(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.</p> <p>(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.</p> <p>(iv) The existing Table I has been deleted and substituted by a new Table.</p> <p>(v) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.</p> <p>(vi) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.</p> <p>(vii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.</p> <p>(viii) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.</p>	15th May 1962

2 IS: 757—1955 Specification
for Handloom Cotton Lint,
Absorbent, Bleached.

S.R.O. 1152 dated
19th May 1956

No. 3
February, 1962

- (i) The existing clause 0.7 has been deleted and substituted by a new clause. 15th May 1962
- (ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.
- (iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.
- (iv) In renumbered clause 3.2, line 4, '5 mm (or 3/16 in.)' has been substituted for '(3/16 in.)'.
- (v) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.
- (vi) The existing Table I has been deleted and substituted by a new Table.
- (vii) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.
- (viii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.
- (ix) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.
- (x) The existing renumbered clause 4.5 has been deleted and substituted by a new clause.
- (xi) The existing renumbered sub-clause 4.5.1 has been deleted and substituted by a new Sub-clause.
- (xii) In renumbered clause 4.10, NOTE, line 2, '40.0 cm (or 16.0 in.)' has been substituted for '16.0 in'.

I	2	3	4	5	6
---	---	---	---	---	---

3 IS: 758—1955 Specification for S.R.O. 1152 dated No. 3
Handloom Cotton Gauge, 19th May 1956 February 1962
Absorbent, Bleached.

(xiii) In renumbered clause 5.1, line 4, '55, 110, 220 or 440 g (or 1/8, 1/4, 1/2 or 1 lb)' has been substituted 'for 1/8, 1/4, 1/2 or 1 lb'.

(xiv) In renumbered clause 5.1, line 8, '23 kg (or 50 lb)' has been substituted for '50 lb'.

(xv) In clause A-1.1, line 2, '7.5×7.5 cm (or 3×3 in.)' has been substituted for '3×3 in.'

(xvi) In clause B-3.1, line 4, '1 cm (or 0.5 in.)' has been substituted for '0.5 in.'

(i) The existing clause 0.7 has been deleted 15th May 1962 and substituted by a new clause.

(ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.

(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been re-numbered accordingly.

(iv) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.

(v) The existing Table I has been deleted and substituted by a new Table.

(vi) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.

(vii) The existing renumbered clause 4.4 has been deleted and substituted by a new clause.

45 IS: 833—1957 Specification for S.R.O. 1546 dated **INo. 1**
 Handloom Woollen Blankets, 18th May 1957 **March 1962**
 Ordinary, Plain or Check.

- (viii) The existing renumbered sub-clause 4.4.1 has been deleted and substituted by a new sub-clause.
- (ix) in clause, B-3.1, line 4, '1 cm (or $\frac{1}{2}$ in.)' has been substituted for '0.5 in.'
- (i) The existing clause 0.6 has been] 15th May 1962
 deleted and substituted by a new clause.
- (ii) The first sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.
- (iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.
- (iv) The renumbered sub-clause 3.2.2, line 5, '5 to 7.5 cm (or 2 to 3 in.)' has been substituted for '2 to 3 in.'
- (v) In renumbered clause 4.1, line 2, '12' has been substituted for '13'.
- (vi) The existing clause 4.2 has been deleted and substituted by a new clause.
- (vii) The existing Table I has been deleted and substituted by a new Table.
- (viii) The existing renumbered sub-clause 4.2.1, has been deleted and substituted by a new sub-clause.
- (ix) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.
- (x) The existing renumbered sub-clause 4.3.1. has been deleted and substituted by a new sub-clause.
- (xi) In renumbered clause 4.6, line 4, '2.5 cm (or 1 in.)' and '5 cm. (or 2 in.)' have been substituted for '1 in.' and '2 in.' respectively.
- (xii) A new appendix as 'Appendix A' has been added to the standard.

1	2	3	4	5	6
5	IS: 894-1957 Specification for Handloom Woollen Blankets, Superior, Scarlet (Red).	S.R.O. 2029 dated 22nd June 1957.	No. 1 February 1962	<ul style="list-style-type: none"> (i) The existing clause 0.7 has been deleted and substituted by a new clause. (ii) First sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence. (iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly. (iv) In renumbered clause 4.1, line 2, '12' has been substituted for '13'. (v) The existing renumbered clause 4.2 has been deleted and substituted by a new clause. (vi) The existing Table I has been deleted and substituted by a new Table. (vii) The existing renumbered sub-clause 4.2.1 has been deleted and substituted by a new sub-clause. (viii) The existing renumbered clause 4.3 has been deleted and substituted by a new clause. (ix) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause. (x) In renumbered clause 4.7 line 4, '2.5 cm (or 1 in.)' and '5cm (or 2 in.)' has been substituted for '1 in.' and '2 in.' respectively. (xi) The existing Table II has been deleted and substituted by a new Table. 	15th May 1962
6	IS: 895-1957 Specification for Handloom Woollen Blanketing Cloth.	S.R.O. 1546 dated 18th May 1957.	No. 1 March 1962.	<ul style="list-style-type: none"> (i) The existing clause 0.7 has been deleted and substituted by a new clause. (ii) First sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence. 	15th May 1962.

7 IS : 896-1957 Specification for
Handloom Woollen Kamblies,
Loomstate.

S.R.O. 1546 dated 18th JNo. 1 February 1962
May 1957.

(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.

(iv) The existing renumbered clause 4.2 has been deleted and substituted by a new clause.

(v) The existing Table I has been deleted and substituted by a new Table.

(vi) The existing renumbered sub-clause 4.2.1 has been deleted and substituted by a new sub-clause.

(vii) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.

(viii) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.

(ix) The existing Table II has been deleted and substituted by a new Table.

(i) The existing clause 0.6 has been deleted and substituted by a new clause. 15th May 1962

(ii) First sentence of sub-clause 2.3.1 has been deleted and substituted by a new sentence.

(iii) The existing item 3 and clause 3.1 have been deleted and the subsequent items and clauses have been renumbered accordingly.

(iv) The existing Table I has been deleted and substituted by a new Table.

(v) In renumbered sub-clause 3.2.2, line 3 '6.5 cm. (or 2 1/2 in.)' has been substituted for 2.5 in.

(vi) The existing Table II has been deleted and substituted by a new Table.

(vii) The existing renumbered clause 4.2 has been deleted and substituted by a new clause.

2	3	4	5	6
			<p>(viii) The existing renumbered sub-clause 4.2.1 has been deleted and substituted by a new sub-clause.</p> <p>(ix) The existing renumbered clause 4.3 has been deleted and substituted by a new clause.</p> <p>(x) The existing renumbered sub-clause 4.3.1 has been deleted and substituted by a new sub-clause.</p> <p>(xi) In renumbered clause 4.6, line 4, '2.5 cm. (or 1 in.)' has been substituted for '1 in.'</p> <p>(xii) In renumbered clause 4.6, line 5, '5 cm. (or 2 in.)' has been substituted for '2 in.'</p> <p>(xiii) A new appendix as 'Appendix A' has been added to the standard.</p>	
8	IS : 1169-1957 Specification for Pedestal Type Electric Fans.	S.O. 1349 dated 12th July 1958. No. 2 February 1962.]	On page 3, the following has been introduced below Table I:	15th May 1962
			<p>*NOTE—Sizes of fans specified above are subject to a tolerance of ± 0.16 in. (or 4 mm).</p>	
9	IS:1251-1958 Specification for Zinc Phosphide, Technical.	S.O. 2247 dated 1st November 1958. No. 1 March 1962.	<p>(i) The existing clause 3.3 has been deleted and substituted by a new clause.</p> <p>(ii) In clause C-1.1, line 3, 'IS Sieve 10' has been substituted for 'IS Sieve 6'.</p> <p>(iii) In clause C-3.1 (b), lines 1-2 and 7, 'IS Sieve 10' has been substituted for 'IS Sieve 6'.</p> <p>(iv) In Table II, Sl. No. (ii) under IS Test Sieves, '10' and '104' have been substituted for '6' and '64'.</p>	15th May 1962

10	IS : 1371-1958 Specification for Shroud-Laid Sisal Rope.	S.O. 2401 dated 31st October, 1959.	No. 1 February 1962.	(i) The following note has been added under clause A-4.1: 'NOTE—If the machine available cannot accommodate a specimen of 2 m (or 1 fm) initial test length, the test may be carried out on shorter specimen of 1 m (or 1/2 fm) initial test length, and, in such an eventuality, two specimens (instead of one) shall be drawn from each coil in the test sample'. (ii) The following note has been added under clause A-4.2: 'NOTE—If the machine available cannot accommodate a specimen of 2 m (or 1 fm) initial test length, the test may be carried out on shorter specimens of 1 m (1/2 fm) initial test length, and, in such an eventuality, two specimens (instead of one) shall be drawn from each coil in the test sample.	15th May 1962.
11	IS : 1472-1959 Specification for Talc for Cosmetic Industry	S.O. 1346 dated 28th May 1960	No. 1 March 1962	In Fig. 2 '60 ml BOTTLE' has been substituted for 2 'oz or 60 ml BOTTLE'.	15th May 1962
12	IS : 1463-1959 Specification for Kaolin for Cosmetic Industry	S.O. 1037 dated 30th April 1960	No. 1 March 1962	In Fig. 2 '60 ml BOTTLE' has been substituted for '2 oz or 60 ml BOTTLE'.	15th May 1962
13	IS : 1577-1960 Specification for Cigarettes (from Indian Tobacco)	S.O. 3059 dated 24th December 1960	No. 2 March 1962	(i) The following has been added at the end of clause 1.1 : 'This standard does not cover the requirements for flavour and aroma of cigarettes.' (ii) In clause 3.7, line 4, the following has been substituted for the existing second sentence : 'Any added substances shall be of a nature and purity which are suitable for use as a food additive or for use in medicinal or pharmaceutical products in proportions of proved harmlessness.'	15th May 1962

1	2	3	4	5	6
14	IS : 1578-1960 Specification for Smoking Mixtures	S.O. 3059 dated 24th December 1960.	No. 2 March 1962	(i) The following has been added at the end of clause 1.1. (ii) In clause 3.3, line 4, the following has been substituted for the existing second sentence : 'Any added substance shall be of a nature and purity which are suitable for use as a food additive or for use in medicinal or pharmaceutical products in proportions of proved harmlessness.'	15th May 1962
15	IS : 1655-1960 Specification for Cuprous Oxide Water Dispersible Powder Concentrates.	S.O. 224 dated 28th January 1961	No. 1 February 1962	In clause 3.4, line 4, '1.0 percent' has been substituted for '0.1 percent'.	15th May 1962
16	IS : 1778-1961 Specifications for Reels and Drums for Bare Wire	S.O. 910 dated 31st March 1962	No. 1 April 1962	(i) The following sentence has been added at the end of sub-clause 3.2.6 : Alternatively, the spindle plate (bush) bolts shall extend through the traverse length of the drum. (ii) The existing Fig. 1 has been deleted and substituted by a new Fig.	15th May 1962

Copies of these Amendment Slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 'Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1 (ii) Third Floor, 11 Sooterkin Street, Calcutta-13 (iii) 2/21 First Line Beach, Madras-1 and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13: 5]

C. N. MODAWAL,

Head of the Certification Marks Division.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 7th May, 1962

S.O. 1511.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and Class III Posts) Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 358, dated the 4th February, 1959, namely:—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and Class III Posts) Amendment Rules, 1962.

2. For rule 3 of the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and Class III Posts) Rules, 1959, (hereinafter referred to as the said rules), the following rule shall be substituted, namely:—

“3. *Classification and Scales of pay etc.*—The classification of the said posts, the scale of pay attached thereto, the method of recruitment to the said posts, age limit, and other matters relating to the said posts shall be as specified in columns 3 to 13 of the said Schedule;

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the general orders of the Government of India issued from time to time”.

3. In the Schedule to the said rules,

(i) after item 19 under Class III (Non-gazetted) and the entries relating

			Rs.			
Draftsman (Minor Irrigation)	One	General Cen- tral Service Class III Non-gazetted, Non-Minu- sterial	205—7— 240—8— 280	Not applicable	Between 20 and 25 years	1. Matriculation or its equivalent qual- ifications of a recog- nised University/ Institute. 2. Diploma in Civil Draftsman from a recognised Insti- tute with 3 years' experience.

(ii) the asterisk mark and the footnote, wherever they occur, shall be omitted.

thereto, the following item and entries shall be inserted, namely:—

Not applicable	Two years	By direct re- cruitment	Not applica- ble	Not applica- ble	Not under rules	required the
----------------	-----------	----------------------------	---------------------	---------------------	--------------------	-----------------

omitted.

[No. 3-25/61-E. IV.]

D. R. CHAWLA, Under Secy.

(Department of Agriculture)

New Delhi, the 11th May, 1962

S.O. 1512.—The following draft of certain rules further to amend the Bristles Grading and Marking Rules, 1950, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 5th June 1962.

Any objection or suggestion which may be received from any person in respect of the said draft before the date so specified, will be considered by the Central Government.

Draft Rules

1. These rules may be called the Bristles Grading and Marking (Amendment) Rules, 1962.

2. In the Bristles Grading and Marking Rules, 1950 (hereinafter referred to as the said rules), for rule 2, the following rule shall be substituted, namely:—

"2. Grade Designations.

(1) Grade designations to indicate the quality of bristles shall be as set out in column 1 of Schedules I to IX.

(2) In addition to the grade designations referred to in sub-rule (1), there shall also be a "Special Grade" which shall satisfy the conditions specified in Schedule IX-A".

3. In rule 5 of the said rules, after item (v), the following item shall be inserted, namely:—

"(vi) General Special."

4. In sub-rules (iii) and (iv) of rule 6 of the said rules, for the expression "over 5", the expression "over 21 mm (4½ inches)" shall be substituted.

5. After Schedule IX to the said rules, the following Schedule shall be inserted, namely:—

"Schedule IX-A"

[See rule 2(2)].

Special Grade designations of bristles.

In addition to the requirements specified for General Grade in Schedules I to IX, Special Grade bristles shall satisfy the following requirements, namely:—

(1) Subject to the tolerance limits specified below, all bristles shall be free from nits (egg capsules left by hog lice):

(i) Bristle bundles shall not contain more than 8 infested hairs per bundle of bristles up to and inclusive of 95 mm (3¾") in length;

(ii) bristle bundles shall not contain more than 5 infested hairs per bundle of bristles exceeding 95 mm (3¾") in length;

(iii) the following colour tolerance limits—

(i) in grade 4½" and over—Nonwhites shall not exceed 1%.

(ii) in grade 4½" to 2"—Nonwhites shall not exceed 2%.

(iii) in shorts and riflings—nonwhites shall not exceed 3%

(2) All bristles shall have root ends and flag ends pointing in opposite directions and shall be "solid dressed" which term mean such dressing as to contain:

(i) a minimum of 90 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidable, the maximum tolerance for the latter being 3% in the case of grade designation 4" and over;

(ii) a minimum of 80 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths and unavoidable, the maximum tolerance for the latter being 5% in the case of designations 3½" to 2½"; and

- (iii) for grade 2½" and 2", a minimum of 80 percent of bristles of the specified grade designation length (called tops), the balance being made up of the next lower grade lengths and unavoidable."

[No. F. 17-15/60-AM.]

V. S. NIGAM, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 9th May 1962

S.O. 1513.—The councillors and aldermen of the Municipal Corporation of Delhi having, on the 19th day of the month of April, 1962, elected Sarvashri Amar Nath Chawla and Bhiku Ram Jain as their representatives on the Delhi Development Authority in place of Sarvashri Sikandar Lal and Shiv Charan Gupta, the Central Government, in exercise of the powers conferred by section 3 of the Delhi Development Act, 1957 (61 of 1957), makes with effect from the said date, the following further amendments in the notification of the Government of India in the Ministry of Health No. 12-173/57-LSG, dated the 30th December, 1957, namely:—

In the said notification, in items 5 and 6, for the entries "Shri Sikandar Lal, Member" and "Shri Shiv Charan Gupta, Member", the following entries shall be substituted, namely:—

"5. Shri Amar Nath Chawla, Member."

"6. Shri Bhiku Ram Jain, Member."

[No. F. 10-7/62-L.S.G.]

P. L. GUPTA, Under Secy.

New Delhi, the 9th May 1962

S.O. 1514.—In exercise of the powers conferred by section 21 of the Drugs Act, 1940 (23 of 1940) and in supersession of the notification of the Government of India in the Ministry of Health No. F. 2-1/48-D, dated the 10th May, 1948, the Central Government hereby appoints Shri S. H. Merchant, Assistant Drugs Controller (India), New Delhi, as Inspector for the purpose of Chapter IV of the said Act for the Union Territory of Delhi.

[No. F. 3-14/62-D.]

New Delhi, the 11th May 1962

S.O. 1515.—The State Governments of Uttar Pradesh, Bihar, Assam and Rajasthan having nominated Dr. D. N. Sharma, Dr. S. M. Hassan, Shri J. N. Barbora and Dr. S. P. Wanchoo respectively to represent them on the Drugs Consultative Committee, the Central Government, in pursuance of section 7 of the Drugs Act, 1940 (23 of 1940), hereby makes the following further amendments on the notification of the Government of India in the Ministry of Health No. F.1-3/47-D(II), dated the 13th September, 1948, namely:—

In the said notification, under the heading 'Nominated by State Governments'—

- (i) for entry 4, the following entry shall be substituted, namely:—

"Dr. D. N. Sharma, Joint Director of Medical and Health Services, Uttar Pradesh, Lucknow.

- (ii) for entry 5, the following entry shall be substituted namely:—

"5. Dr. S. M. Hassan, Director of Health Services, Bihar, Patna.

- (iii) for entry 9, the following entry shall be substituted, namely:—

"9. Shri J. N. Barbora, B. Pharm, Assistant Drugs Controller, Assam, Shillong.

- (iv) for entry 13, the following entry shall be substituted, namely:—

"13. Dr. S. P. Wanchoo, Director of Medical and Health Services, Rajasthan, Jaipur.

[No. F.4-15/61-D.]

A. C. RAY, Under Secy.

ORDER

New Delhi, the 11th May 1962

S.O. 1516.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-19/59-MI, dated the 1st April, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification 'M.D. granted by the University of California for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Andrew P. Haynal, who possesses the said qualifications, continues to work in the Christian Medical College and Hospital, Velkore, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Andrew P. Haynal shall be limited.

[No. F.16-10/62-MI.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Departments of Communications and Civil Aviation)

New Delhi, the 3rd May 1962

S.O. 1517 —In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that any of the officers specified below may sign and execute on his behalf any agreement for Housing/parking of aircraft at a Government Civil Aerodrome, namely:—

- (i) An Aerodrome Officer,
- (ii) An Assistant Aerodrome Officer,
- (iii) Officer in charge of an Aerodrome in the Civil Aviation Department.

[No. F. 17-A/8-59]

M. M. PHILIP, Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 9th May 1962

S.O. 1518.—In exercise of the powers conferred by Section 31 of the Institutes of Technology Act 1961 (59 of 1961), the Central Government hereby specifies the 15th day of May, 1962, as the date with effect from which there shall be established the Council referred to in sub-section (1) of that section consisting of the following members, namely:—

I. *Ex-officio Members*

- (a) The Minister for Scientific Research and Cultural Affairs, Government of India, New Delhi.—*Chairman.*
- (b) (i) The Chairman, Indian Institute of Technology, Kharagpur.
- (ii) the Chairman, Indian Institute of Technology, Bombay.
- (iii) the Chairman, Indian Institute of Technology, Madras.
- (iv) the Chairman Indian Institute of Technology, Kanpur.
- (c) (i) The Director, Indian Institute of Technology, Kharagpur.
- (ii) the Director, Indian Institute of Technology, Bombay.
- (iii) the Director, Indian Institute of Technology, Madras.
- (iv) the Director, Indian Institute of Technology, Kanpur.
- (d) The Chairman University Grants Commission.
- (e) The Director General, Council of Scientific and Industrial Research.
- (f) The Chairman of the Council of the Indian Institute of Science, Bangalore.

(g) The Director of the Indian Institute of Science, Bangalore.

II. Representatives of the Central Government

(h) (i) Shri S. S. Khera, Secretary, Cabinet Secretariat, New Delhi.

(ii) Shri R. P. Padhi, Financial Adviser, Ministry of Finance, New Delhi.

(iii) Shri G. K. Chandiramani, Joint Secretary, Ministry of Scientific Research and Cultural Affairs, New Delhi.

III. Representative of the All India Council for Technical Education

(i) Shri J. J. Ghandy, The Tata Iron and Steel Co. Ltd., Jamshedpur.

IV. Nominees of the Visitor

(j) (i) Dr. Rajah Muthiah Chettiar of Chettinad, Chettinad House, Adyar, Madras.

(ii) Shri Arvind N. Mafatlal, Mafatlal House, Back Bay Reclamation, Bombay.

(iii) Dr. Triguna Sen, Rector, Jadavpur University, Calcutta.

(iv) Prof. P. Maheshwari, Department of Botany, University of Delhi, Delhi.

V. Representatives of the Parliament

(k) (i) Dr. K. L. Rao, Member, Lok Sabha, New Delhi.

(ii) Shri P. R. Ramakrishnan, Member, Lok Sabha, New Delhi.

2. Shri A. B. Chandiramani, Deputy Educational Adviser (Tech.) in the Ministry of Scientific Research and Cultural Affairs, shall act as the Secretary of the Council.

[No. F. 24-5/62-T.6.]

G. K. CHANDIRAMANI, Jt. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 8th May 1962

S.O. 1519.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri G. S. Masand as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his office.

[No. 8/85/ARG/60.]

S.O. 1520.—In exercise of the powers conferred by clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints the officer for the time being holding the post of Revenue Assistant Mahasu District, Himachal Pradesh Administration, as Managing Officer for the custody, management and disposal of Compensation Pool.

[No. 7(58)ARG/61.]

S.O. 1521.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri I.D. Gera as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his office.

[No. 10(25)/ARG/61.]

S.O. 1522.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri G. S. Masand, Assistant Settlement Officer under the

Settlement Commissioner (Government Built Property). New Delhi, as Managing Officer, for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. 8/85/ARG/60.]

New Delhi, the 9th May 1962

S.O. 1523.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri R. C. Sharma, Managing Officer as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with immediate effect.

[No. 7(16)/AR(G)/60.]

KANWAR BAHADUR,
Settlement Commissioner (A) and
Ex-Officio Dy. Secy.

(Department of Rehabilitation)

(Office of Chief Settlement Commissioner)

New Delhi, the 11th May 1962

S.O. 1524.—In exercise of the powers conferred by Rules 1 and 2 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) the Central Government hereby appoints the Deputy Secretary to the Government of Punjab in the Department of Rehabilitation, Jullundur:—

- (i) as the person by whom plaints and written statements in suits in any Court of Civil jurisdiction by or against the Central Government relating to the Rehabilitation Department shall be signed;
- (ii) as the person who, being acquainted with the said Rehabilitation Department shall verify such plaints and written statements; and

Authorises him to act on behalf of the Government of India in respect of any judicial proceeding.

[No. F. 53(437)CSC/Judl-81.]

New Delhi, the 19th May 1962

S.O. 1525.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the Union Territory of Delhi for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed :—

THE SCHEDULE

Sl. No.	Particulars of property Khewat No.	Area Khasra No.	Area Big. Bis.	Name of the evacuee with rights in the property	Remarks
Vill. SATBARI					
1	174/290	917	4 16	Sumand Khan s/o Juma Bux shareholder	
		918	2 6	mortgagor evacuee Hashmal, Ashraf,	
			7 2	Hamid s/o Ghasita mortgagee in equal shares non-ev. vested in Custodian.	

Sl. No.	Particulars of property Khwat No. Khasra No.	Area Big. Bis.	Name of the evacuee with rights in the property	Remarks
---------	-------------------------------------------------	-------------------	-------------------------------------------------	---------

2	38/121	33 1/2	1	19	Ibrahim ss/o Bhuru 3/16 share Imamdin, Nazer Hussain ss o Mohd. Umerin equal share 3/16 share, Abdula s/o Wazir 3/8 share Kulu, Nabi, Bux ss'o Ismail in equal shares 1/4 evacuee.
---	--------	--------	---	----	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CHANDAN-HOLA

3	11/11	50 2	0	1	Rammu, Aladia ss/o Kure of equal shares mortgagor Hassan Khan Roshan s/o Majid in equal shares 1/15, Feroz Khan Sube ss'o Nathu in equal share 2/15 share. Nazra s/o Naher 4/15 share Alfou Manfool Maria s/o Harbachan in equal share 8/15 share mortgagee non-ev. vested in Custodian.
4	37/36	56 1/2	0	6	Subhani s/o Murad 2/5 share Kalu s/o Manfool Darya s/o Phoolua 1/5 share ev. mortgagor Hassan Khan Roshan ss/o Majid in equal share 1/15 share. Feroz Khan Sube ss o Nathoo in equal share 2/15 share Nazra s/o Naher 4/15 share Alfou Manfool Maria ss/o Bachan in equal share 1/15 share mortgagee, non-evacuee vested in Custodian.

[No. 1 (10)/Land & Rent/62]

M. J. SRIVASTAVA,
Settlement Commissioner and Ex-Officio,
Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 10th May 1962

S.O. 1526.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 945, dated the 20th March, 1962, the Central Government hereby appoints Shri Samiran Chatterjee to be an Inspector for the whole of the State of West Bengal for the purposes of the said Act or of any Scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(20)/62-PF.I.]

CORRIGENDUM

New Delhi, the 10th May 1962

S.O. 1527.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 946, dated the 20th March, 1962, published on page 891 in the Gazette of India, Part II, Section 3(ii), dated the 31st March, 1962, for "Shri K. R. Vasvada" read "Shri K. R. Vasavada".

[No. 20(21)62-PFI.]

P. D. GAIHA, Under Secy.

New Delhi, the 10th May 1962

S.O. 1528.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Baghajoli Stone Mine of Shri Bharat Prasad Bhagat, Post Office Pakur (S.P.) and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD**

REFERENCE No. 55 OF 1961

Employers in relation to the Baghajoli Stone Mine of Shri Bharat Prasad Bhagat, P.O. Pakur (S.P.).

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the Employers:—No appearance.

For the Workmen:—Shri Badri Narayan Jha, Secretary, Quarry Workers' Union, Pakur, with Shri Santaram Tewari.

INDUSTRY: Stone Quarry.

STATE: Bihar.

Dated, Camp Bombay, the 30th April 1962.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 22/20/61-LR.II, dated 15th July 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following Schedule to the said Order:—

SCHEDULE

"Whether the management of Baghajoli Stone Mine of Shri Bharat Prasad Bhagat, P.O. Pakur was justified in terminating the services of Shri Santram Tewari, Depot Incharge with effect from 17th May, 1961? If not, to what relief is he entitled?"

2. After the usual notices were issued on the parties, the General Secretary, Quarry Workers' Union, Pakur, filed a statement of claim dated 2nd August 1961 on behalf of the workmen in which he stated that Santram Tewari, the dismissed workman was appointed as Depot-in-charge on 14th May 1960 on a salary of Rs. 65 p.m.; that having found certain new hands on a lower salary, the management on 17th May 1961 dismissed Santram Tewari from his service and asked him to hand over the keys of the depot unconditionally and threatened him with police action if he failed to do so; that no other order or intimation was served by the employers upon Tewari before retrenchment or dismissal; that Tewari was not paid annual bonus, earned leave with wages of one month, notice pay or other benefits. In conclusion of the statement of claim it was stated as follows:—

"From the reasons of dispute as stated above, it is fervently prayed that

the dues under items stated below may kindly be awarded to be paid to the aggrieved employee:—

(a) Two months and 16 (sixteen) days' wages at Rs. 65 per month	Rs. 163.60
(b) Lay off benefits on illegal discharge on half average pay from 17th May 1961 to June 1961	Rs. 89.25
(c) Annual bonus as one month's wages	Rs. 65.00
(d) Annual leave with wages—One month's wages	Rs. 65.00
(e) Gratuity for 15 days' wages in one year's service	Rs. 32.50
(f) Notice pay for one month on sudden discharge (in lieu of retrenchment benefit included in Item (b))	Rs. 65.00
	Rs. 480.35
Less if retrenchment compensation be paid	Rs. 65.00
	Rs. 415.35

3. In the written statement dated 1st August 1961, on behalf of the employers, which is signed by Bharat Prasad Bhagat, it is stated that Santrain Tewari joined service on 14th May 1960; that he was given several verbal warnings for his "rude and inhuman behaviour" towards the other employees and the management, but he did not improve in his behaviour; that his rude behaviour caused dissatisfaction and unrest among the other employees and the miners, with the result that the normal and smooth working of the mine was disturbed; that ultimately he had no alternative but to issue a charge sheet against Tewari by notice dated 29th March 1961, sent under certificate of posting; that no reply was received from Tewari and therefore the management was compelled to discharge him from service from 1st May 1961, by letter dated 31st March 1961; that the copies of the charge sheet and discharge notice and other relevant documents would be produced at the hearing; that it was not true that Tewari continued to work till 17th May 1961; that Tewari did not return the key of the store-room containing the mining implements and therefore he had to file a complaint against Tewari with the local police; that ultimately Tewari returned the key of the store-room and gave charge of the implements and other materials, but some mining tools and measurement boxes etc. were found short. Shri Bharat Prasad Bhagat concluded the written statement by stating in para 11 thereof:—

"That in view of the above he is not entitled to any remuneration save and except his salary for the month of March 1961, which I am always ready to pay him."

4. Both parties had stated in their respective written statements that they had forwarded a copy thereof to the other side.

5. Therefore, the dispute was fixed for hearing at Dhanbad on 23rd November 1961, at which Tewari remained present. The hearing had to be adjourned as there was no representative present on behalf of the employers, though the notice to the employers was returned back with the endorsement that the employer had gone to Dhanbad; at the adjourned hearing on 22nd December 1961, the workmen were represented by Shri B. K. Jha, the General Secretary of the Union, but on one remained present on behalf of the employers, who sent an application for adjournment, and the notice to the employers was received back with the postal endorsement "left". Thereafter, at the adjourned hearing on 16th March 1962 Shri Jha again appeared for the workmen but there was no appearance for the employers and the hearing was adjourned to 18th April 1962 and fresh notice of the adjourned date had to be issued on the employers. Now, at the hearing on 18th April 1962 Shri Jha, General Secretary of the Union, appeared along with Shri Tewari, but there was again no appearance on behalf of the employers. However a telegram was received on 17th April 1962 at 3-30 p.m. from Bharat Prasad Bhagat praying for an adjournment on the ground that his presence was necessary in a certain Mining case in the Sub-Divisional Magistrate's Court on 18th April 1962. The adjournment was opposed by Shri Jha, who stated that the employers had not attended the hearing of this case at any time and were only seeking adjournments with a view to harass the workman. This complaint of Shri Jha appears to be justified from what I have stated earlier and I therefore refused the adjournment and heard the dispute on 18th April 1962. The notice of the adjourned hearing for 18th April 1962,

was issued on the parties as early as on 16th March 1962, and yet the adjournment was sought by telegram which reached the Tribunal's office only late on 17th April 1962. No doubt, an application for adjournment dated 17th April 1962 was sent, but this reached the Tribunal's office at Dhanbad only on 19th April 1962, and that application only states that Shri Bharat Prasad Bhagat could not attend the hearing at Dhanbad because of his having to attend the Pakur Court in the Mining Criminal case. But surely, Shri Bharat Prasad Bhagat could have sent some other person acquainted with the facts of this case to attend the Tribunal, if his presence in the Pakur Court was necessary on that day. It appears to me that the employers were more interested in seeking adjournments and thus harassing the workman than in getting this dispute adjudicated upon. At the hearing before me Shri Jha, examined Shri Santram Tewari, who in his evidence on solemn affirmation stated that he was employed on 14th May 1960 as a depot-in-charge on a salary of Rs. 65 per month in the Baghajoli Stone Mine of Shri Bharat Prasad Bhagat, where his duty was to issue implements and tools to the labourers for the quarry work; that on 17th May 1961 Shri Bharat Prasad Bhagat dismissed him from service without assigning any cause and refused to pay him his earned wages which were in arrears for the months of March and April and 17 days of May 1961 i.e. two months' and 17 days. When he demanded his wages he was told that he would be paid the wages 2 months later in the Patna Court. He stated that he had worked even on 18th May 1961 at the request of one Maqbool Biswas who was in charge of the quarry, because wagons had to be loaded with stones. He further stated that he was a member of the Quarry Workers' Union, Pakur, of which Shri B. N. Jha was the General Secretary and that this Union had taken up his case before the Labour Inspector (Central), Pakur, but the Conciliation proceedings had ended in failure. He denied that he had been rude in his behaviour or that he had been given verbal warnings, as alleged by the employers in their written statement. He denied receipt of any charge sheet or notice from the management dated 29th March 1961. He denied receipt of any notice terminating his services from 1st May 1961. He, however, admitted that he did not hand over the keys of the store room for four or five days, after his services were terminated on 17th May 1961, because he had his arrears of wages to recover. He denied that any mining tools and measurement boxes etc. were found short when he handed over charge. In his statement he claimed arrears of wages for 2 months and 17 days i.e. from 1st March 1961 to 17th May 1961 at Rs. 65 per month; one month's pay in lieu of notice; he claimed one month's wages as bonus, on the ground that all quarry owners grant bonus equivalent to one month's wages in the year; he further claimed one month's leave wages and half month's wages as gratuity for one year's service. He has also claimed compensation for the unemployment he had suffered since he was illegally and unjustifiably dismissed from service. He stated that he had failed to get employment in spite of his best efforts as Bharat Prasad Bhagat had told the other quarry owners at Pakur not to employ him. He stated that the Quarry Workers' Union was a registered Union and that the workers of the Baghajoli Stone Mine, had taken up his cause.

6. As I have stated earlier, the employers have not appeared at the hearing. Their case in their written statement is that Santram Tewari was dismissed for the misconduct of rude behaviour towards the other workers and the management had dismissed him after charge-sheeting him on 29th March 1961. That he was dismissed with effect from 1st May 1961 by notice dated 31st March 1961 when no reply to the charge sheet dated 29th March 1961 was received from him. But the management has not attached a copy of the charge sheet dated 29th March 1961 or of its alleged notice dated 31st March 1961 to its written statement. The management also does not appear to have put forward the story of the charge sheet dated 29th March 1961 or its notice of 31st March 1961, before the Labour Inspector (C), Pakur, as there is no reference to it in the failure report dated 8th June, 1961, which the Labour Inspector had submitted to the Regional Labour Commissioner (C), Dhanbad. Santram Tewari, in his statement before me has denied receipt of any charge sheet or of any notice. Besides, it is quite clear that no enquiry on the alleged charge sheet was held nor does it appear that Tewari was given a reasonable opportunity to defend himself on the charge the management had levelled against him.

7. I am also satisfied that the Quarry Workers' Union represents the workmen of this Stone Mine; that it is a registered Union and that the workmen of this quarry have through this Union raised this Industrial Dispute and are prosecuting it.

8. I am for these reasons, satisfied that the management of Baghajoli Stone Mine of Shri Bharat Prasad Bhagat, P.O. Pakur was not justified in terminating

the services of Shri Santram Tewari with effect from 17th May 1961 and I answer the first issue under reference, accordingly.

9. The second issue under reference is what relief Tewari is entitled to.

10. From the written statement of the Union, the evidence of Shri Tewari and the Failure Report of the Labour Inspector, I am satisfied that Tewari's services were illegally terminated on and from 17th May 1961. Tewari does not claim re-instatement in service but has contended himself with asking for certain payments which he says he is entitled to and claiming compensation for the unemployment etc. which he has suffered. The company in its written statement has admitted that Tewari's salary for March remains unpaid. As I have held that he was dismissed on 17th May 1961, his claim for wages for 2 months' and 17 days' i.e. from 1st March 1961 to 17th May 1961, at the rate of Rs. 65 per month amounting to Rs. 163.60 nP. must be allowed. I am also satisfied that his claim for one month's notice pay is also justified so, I allow another Rs. 65. I am, however, not satisfied that he is entitled to payment of any bonus as it is not established that payment of one month's bonus on completion of one year's service was the term and condition of his service or that that is the general practice in the Stone Quarries at Pakur. There is also no basis for claim for lay off compensation which is clearly misconceived. I, think, considering that he had put in one year's service till the date of his dismissal he should be given one month's wages as compensation. The claim for gratuity is clearly not tenable on such short service as of one year. Tewari in his evidence has claimed compensation for unemployment which he says he has suffered. But this claim was not made in his written statement of claim.

11. I would, therefore, allow him the following relief:—

Rs. 163.00—Earned pay from 1st March 1961 to 17th May 1961.

Rs. 65.00—One month's wages—equivalent to one month's notice pay.

Rs. 65.00—Compensation equivalent to one month's wages for his one year's service with the Company.

Rs. 293.60

12. I further direct that Company shall pay him the monetary equivalent at the rate of Rs. 65 per month for the period for which Tewari was entitled to earned leave as on 17th May 1961.

13. I further direct that the awarded dues shall be paid to Shri Tewari within a month of the award becoming enforceable.

14. I consider this is a fit case in which to award costs and I award Rs. 50 as costs in favour of the Union, which the employers under reference should pay within 30 days of the publication of this award to the General Secretary of the Union.

Sd./- SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal,

Dhanbad

[No. 22/20/61-LRII.]

S.O. 1529.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Tandur and Navandgi Stone Quarries (Private) Limited and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-31 OF 1960

Employers in relation to the Tandur & Navandgi Stone Quarries (P) Ltd.,

AND

their workmen

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Dated: Bombay, 30th April 1962

APPEARANCES:—

For the employers:—Shri S. D. Vimadalal, Counsel, Shri A. T. Joshi, Labour Adviser and Shri Manik Arke, Assistant Secretary of the Company.

For the workmen:—Shri D. H. Dharap, Pleader with Shri S. Chandrasekhar, General Secretary, Tandur Stone Quarries Labour and Employees' Union.

STATE: Andhra Pradesh.

INDUSTRY: Stone Quarrying.

AWARD

The Government of India, by Ministry of Labour and Employment's Order No. 22/10/60-LRII, dated 21st September 1960, was pleased to refer the industrial dispute between the parties above-named, in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE

- “(i) What should be the rate of wages for polishing one square ft. of Shahbad stone and from what date it should be operative?”
- (ii) What extra wages should be paid for carrying polished and unpolished stones from place of work to place of loading and *vice-versa*?”
- (iii) What should be the rate of wages payable for loading Shahbad stone into wagons and from which date it should be operative?”

2. After the usual notices were issued, the Tandur Stone Quarries Labour and Employees' Union filed its written statement of claim dated 14th November 1960, to which the company filed its written statement in reply, dated 6th February 1961. Thereafter the dispute was taken up for hearing but at the request of the parties the hearing had to be adjourned on several occasions.

3. From my award, dated 30th June 1960 in an earlier industrial dispute between this company and its workmen, Reference No. 10 of 1960, the employers have filed an appeal in the Hon'ble Supreme Court and the appeal is whether the workmen of this company are workmen as defined by section 2(s) of the Industrial Disputes Act, 1947 or whether they are independent contractors and or contractor's workmen. The same contention has also been urged in this dispute by the employers with regard to the categories of workmen covered by this reference and as that issue is *sub-judice* before the Hon'ble Supreme Court, the award, I am making herein is without prejudice to the similar contention of the employers in this dispute.

4. I shall now briefly deal with the contentions of the parties on the three issues forming the subject matter of this dispute.

5. *Issue No. 1.*—“What should be the rate of wages for polishing one square ft. of Shahbad Stone and from what date it should be operative?” It is admitted that the company was formerly paying hand polishers at the rate of 2 annas—12.50 nP. per square foot. The union in its statement of claim has demanded a rate of 37nP. per square foot. The company has, however, stated that it has been paying its polishers the enhanced rate of 16 nP. per square foot from about October 1961, whilst the union's contention is that this rate was being paid only from December 1961 or January 1962. According to the company the work of hand polishing is being done by the workmen in many cases at their homes and mostly women are engaged in this work and it is argued that it would be possible for a woman to polish 12 square feet per day of 8 hours' work and at the rate of 16 nP. this would yield a wage of Rs. 1.92 nP. per day, which the company submits is adequate. It is admitted that the 1954 Minimum Wage Committee appointed by the Andhra Pradesh Government did not fix any minimum wage rate for hand polishing work and that the Minimum Wages Revision Committee in its Report of March 1961 had recommended piece-rate of 16 nP. per square foot or Rs. 1.50 per day or Rs. 39 per month. The company's contention is that the recommendations of this Committee are not binding upon it and it has in support relied upon letters written by the Home Department of the Andhra Pradesh Government in which the company was informed that the recommendations of the Minimum Wages Revision Committee made in its report of March 1961 were not binding on it, because this is a mine under the Indian Mines Act, which is a Central Government statute. While the union has passed for the higher rate of 37 nP. demanded by it, it is not denied that the workmen have accepted the rate of 16 nP. The company has opposed any higher rate than the rate of 16 nP. per square foot for polishers on the ground

that other similar concerns in Andhra Pradesh are even now not paying their workmen at that rate.

6. I think the rate of 16 nP. per square foot for hand polishers is fair and reasonable and I award accordingly.

7. The next question is from which date this rate should be made operative? The union, in its written statement, has claimed that the retrospective effect to this new rate should be granted from 1958 when the union had first made this demand upon the company. The union has also urged that considering that by my award in Reference No. 10 of 1960 I had awarded retrospective effect to the revised scales of wages fixed by me under that award with effect from 1st May 1959, in respect of certain operations such as dind breaking, its demand in this reference for retrospective effect from 1958 was justified. It was also pointed out that the company had been paying certain other categories of workmen in its quarries, the revised rates from 31st March 1961 which was also the date recommended by the Report of the Minimum Wages Revision Committee of Andhra Pradesh for stone breaking and stone crushing operations in the quarries. As I have already pointed out earlier, the company has argued and that also seems to be the opinion of the Andhra Pradesh Government, that the recommendations of the Minimum Wages Revision Committee for stone breaking and stone crushing operations in the quarries is not applicable to this company.

8. Further bearing in mind that the other quarries in Andhra Pradesh are not paying the rates recommended by the Minimum Wages Revision Committee, I think that the date from which the enhanced rate of 16 nP. per square foot should be awarded should be 1st July 1961 and I award accordingly. I further direct that the dues of the workmen on this basis should be paid to them within a month of this award becoming enforceable.

9. The second issue under reference is—"what should be paid for carrying polished and unpolished stones from place of work to place of loading and vice-versa" and the Union has demanded a rate of 50 nP. per 100 square foot for carrying stone from the godown of the company to the loading place and vice-versa. The management in its written statement has denied that this operation is a separate operation from the operation covered by item No. 1. It has urged that the rate per square foot of stone polished is inclusive of the work involved in carrying the stones from the godown of the company to the place where the polishing work is done. The company has urged that the operation of carrying and replacing the stones hardly takes half an hour to one hour's time for the entire week's work and that this is the prevailing practice in all other quarries in the region. The union has not been able to establish its claim that this operation is not treated as part of the polishing work. But it does appear from what the company says that this is the existing practice and that the Minimum Wages Revision Committee's Report had not treated this as a separate operation. The demand for a separate rate under issue No. 2 is, therefore, rejected.

10. Issue No. 3 is—"What should be the rate of wages payable for loading Shahbad stone into wagons and from which date it should be operative?" The company was paying at the rate of Rs. 7.50 per wagon load at Navandgi and Rs. 8 per wagon load at Tandur, where the wagon is pushed for weighing. This accounts for the extra 50 nP. paid at Tandur. The company has urged that the minimum wage for wagon loading as fixed by the Government was Rs. 6 per wagon and compared to that the rate at present paid by the company was more than adequate. It was admitted at the hearing that with effect from about the middle of October 1961 the company has increased the rate for wagon loading to Rs. 12 per wagon, upto a wagon of 24 tons, as Navandgi, and at the rate of Rs. 12.50 per wagon upto 24 tons at Tandur. The company claims that these rates were agreed to by the workmen as per their agreement, dated about 23/24th October 1961. The Union has denied these agreements but at the hearing it was agreeable to accept the rate which the company is now paying but its demand was that it should be granted with retrospective effect from 1958 the date when it first made this claim or from the date of the reference of this dispute to adjudication, but in no case not later than 31st March 1961 i.e. the date recommended in the report by the Minimum Wages Revision Committee. The company has opposed this claim. For the reasons stated under demand No. 1 herein, I think that the proper date from which the enhanced rate should be granted would be from 1st July 1961, and I award accordingly. I further direct that all payments due to the workmen under this demand shall be paid to them within a month of this award becoming enforceable.

11. Considering the protracted proceedings of this dispute, I think an order for costs in favour of the Union of Rs. 350 is justified. Costs to be paid within one month of the date the award becomes enforceable.

(Sd). SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

[No. 22/10/60-LRII.]

New Delhi, the 11th May 1962

S.O. 1530.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the Industrial dispute between the employers in relation to the Dalmia Cement (Bharat) Limited, P.O. Dalmiapuram, Tiruchirappalli District, and their workmen.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Thursday, the fifth day of April

One Thousand Nine Hundred and Sixty Two.

(15th day of Chaitra, 1884 Saka)

PRESENT

Sri K. Ramaswami Goundar, B.A., M.L.

INDUSTRIAL DISPUTE No. 58 of 1961

(In the matter of the dispute between the workmen and the management of Dalmia Cement Bharat Limited, Dalmiapuram, being transferred from the file of the Industrial Tribunal, Chanbad, by Order No. 63/9/58-LRII, Ministry of Labour and Employment, Government of India, New Delhi, dated 14th December, 1961).

BETWEEN:

(1) The President, Dalmia Mines Workers' Union, P.O. Dalmiapuram, Tiruchirappalli District.

(2) The President, Dalmia Cement Workers' Union, P.O. Dalmiapuram, Tiruchirappalli District.

AND

The Management of Messrs. Dalmia Cement (Bharat) Ltd., Dalmiapuram P.O., Tiruchirappalli District.

REFERENCE.—Order No. 63/9/58-LRII, dated 14th December, 1961, Ministry of Labour and Employment, Government of India, New Delhi.

ISSUES.—(a) Whether the Quarry workers of Dalmia Cement (Bharat) Ltd., have been paid in full their entitled wages from October, 1957, till 15th February, 1959? If not, what further amount are due and payable to them?

(b) If the fall in the earnings of the workmen during the period October, 1957 to 15th February, 1959, was due to no fault of theirs or was on account of failure on the part of the management to provide sufficient work, what is relief, if any, to be provided to them and the extent thereof?

(c) Should the workload and wages be calculated on daily wages?

This dispute coming on for hearing on Wednesday and Thursday, the 17th and 18th days of January, 1962, Friday, Saturday, Tuesday and Wednesday the 2nd, 3rd 13th and 14th days of February 1962 Tuesday, Wednesday, Monday, Tuesday and Wednesday the 6th, 7th, 19th, 20th and 21st days of March 1962, Tuesday and Wednesday the 3rd and 4th days of April, 1962, and on this day, upon perusing the reference, claim and counter statements, all other material papers connected therewith and the record of evidence and upon hearing the arguments of Sri B. R. Dolia, Advocate for the Dalmia Mines Workers' Union, Sri M. Moynudeen, Vice-President for the Dalmia Cement Workers' Union and of Sri C. Doraswamy, Officer of the Employers' Federation of South India for the Management, the Tribunal passed the following.

AWARD

This dispute relates to the Quarry workers of Dalmia Cement (Bharat) Limited, a company engaged in the manufacture of cement at Dalmiapuram. For that purpose, lime stone has to be quarried from the mines. It is represented that the workers concerned in this dispute are engaged in three such quarries, namely Nos. 2 and 4 and another called vaqukarpet quarry. The lime stone is quarried by drilling operations, both hand-drilling and machine-drilling. Some of these workers are employed in the hand-drilling, but none of them in the machine-drilling. After the stones are blasted, the blocks of stones have to be broken into smaller pieces, which are done by these workers by the use of hammer. The broken stones are then loaded into the trucks by women workers. The blasting operations are not done by these workers. The work done by these workers is therefore: (1) hand-drilling, (2) breaking the blocks of stones into smaller pieces, and (3) loading the broken bits into trucks. For these operations, both men and women are employed.

2. After the stones are loaded into the trucks, they are moved over rails to the factory where they are unloaded, and the empty trucks sent back to the quarries.

3. These Mines or Quarry workers have been constantly complaining about the supply of empty trucks, for their outturn of work and wages depend upon the trucks being regularly supplied to them. Even as early as November 1955, the workers, represented by the Dalmia Cement Workers' Union, were making representations that the earnings of the workers in the Quarries were low and attributing the same to the inadequate supply of trucks by the management; and the management was contending that the workers were not properly working, but were deliberately delaying the loading of wagons and consequently their wages had been low. This dispute was sought to be settled by an agreement, Ex. M. 2, of November 1955 by which an arrangement was entered into in regard to the supply and the loading of the trucks. As stated above, the regular supply of trucks is essential for the workers, for certain work-loads have been fixed in regard to hand-drilling and machine-drilling, with the minimum basic wage of Re. 1 per day or Rs. 26 per month, and if the workload is not reached the basic wage is liable to proportionate reduction, and if the workload is exceeded, for the excess, the worker will be paid 1-1/2 times the rate of basic wages. The arrangement as to the supply and loading of the trucks entered into between the parties in November 1955 appears to have worked satisfactorily, without any complaint on the part of the workers, till atleast October, 1957 when the same trouble in regard to the inadequate supply of trucks by the management recurred. By that time, another Union by name Dalmia Mines Workers' Union had come into existence. According to the management, the workers of this new union created trouble and interfered with the supply of trucks by sitting on the rails, for about 15 days in the beginning of October, 1957; so that, on those days, the workers could not be given work. On the 16th October, 1957, the trouble ended by the workmen belonging to the Dalmia Mines Workers' Union expressing regret for the past incidents regarding prevention of blasting and quarrying operations. (vide their letter Ex. M-4 addressed to the Labour Officer). Thus, it is an admitted fact that during October, 1957, there was no regular supply of trucks to the workers, and in consequence their earnings were low.

4. On the 17th November, 1957, the Dalmia Cement Workers' Union submitted to the management a number of demands, intimating that in default of compliance the workers would go on strike. The demand relating to the Quarry workers was No. 24(iii) to the effect that the workers should be given full wages for the days on which no trucks were supplied to them or on which there was no separate loading and for the days they were not supplied with loose stones. [Vide Exs. M-5 and M-5(a)] The intervention of the Regional Labour Commissioner averted the threatened strike. But many of those workers filed applications (Ex. M-6) under the Payment of Wages Act for the payment of wages due to them for those days as per the terms of the agreement. It was alleged in those petitions that it was incumbent on the part of the management to supply trucks and provide them work, and when the workers are called on to work and no work is provided, they are entitled to be paid the full minimum wages for the day. Those petitions were, however, withdrawn in August, 1960, as shown by the Memo, Ex. M-6(a), in view of the present reference. The claim was not given up, but merely withdrawn on the ground that the Union had approached the Government of India to refer this issue for adjudication. It will be seen that the dispute in this reference relates to the period from October, 1957, till 15th February, 1959. The withdrawal of the petitions under Ex. M-6(a) was no doubt subsequent to that period, but the claim was not given up.

5. On the demands presented by the Dalmia Cement Workers' Union under Exs. M-5 and M-5(a), there were conciliation proceedings, in the course of which and in the presence of the Regional Labour Commissioner, a settlement was reached between the parties, Ex. M-7 dated 17th December 1957. Paragraph 4 of the terms of the settlement is to the effect that as the union has taken up the issue of the payment of full wages for the days on which trucks or loose stones are not supplied to the workers with the Commissioner for Workmen's Compensation under the Payment of Wages Act, this demand is not pressed by the union. Here again, the claim was not given up, but was not pressed in the conciliation proceedings on the ground that petitions (Ex. M-6) had been filed under the Payment of Wages Act. On 5th March 1958, there was another agreement (Ex. M-8) entered into with the management by the same union, by which, as an interim arrangement, the Company agreed to advance to the Quarry workers an amount equal to half the difference between the wages claimed by the workers and the wages payable to them, subject to that advance being adjusted according to the decision of the adjudicator.

6. Thus, it will be seen that so far, the present dispute was an open issue and remained unsettled. And so, on 2nd September, 1958, both the management as well as the Dalmia Cement Workers' Union made a joint application (Ex. M-9) to the Government of India for a reference to the Industrial Tribunal of this and other questions; and paragraph 3 of the joint application refers to the present dispute. On that application, the Government of India, by their order Ex. M-9(a), made a reference to this Tribunal of some other disputes, but not the present dispute. That reference was numbered as I.D. No. 45 of 1959 on the file of this Tribunal, and an award was passed therein in November 1959. But the present dispute remained unsolved.

7. Even during the months subsequent to February 1959, the workers were complaining about the supply of trucks by the management. On 29th October 1959, the Dalmia Cement Workers' Union addressed a letter Ex. M-10 to the company stating that the Quarry workers are not supplied with empties as per the workload and that during that month the empties for each worker were less than the workload, and requesting the management to make arrangements for the proper supply of trucks to the workers and pay them full wages for all the days when empties were not supplied to them. On 23rd November 1959, the Union wrote to the Regional Labour Commissioner Ex. M-10(a) mentioning 7 items of dispute and requesting the Commissioner to intervene. Item No. 7 of the dispute is the short supply of empties to workers and consequent illegal deduction of wages, as represented in their letter Ex. M-10. On the intervention of the Regional Labour Commissioner, a settlement Ex. M-11 dated 10th March 1960 was entered into between the parties. That settlement set out the 7 items of dispute referred to in Ex. M-10 (a). In regard to the 7th item, the Dalmia Cement Workers' Union agreed to drop it. The contention of Sri Doraiswami appearing for the management is that by that settlement, the dispute in regard to the period from October 1957 to February 1959 as also for the subsequent periods, in regard to the non-supply of trucks was given up by the Cement Workers' Union, and so the dispute cannot be revived under this reference in regard to the period from October 1957 to February 1959. On the other hand, the contention of Sri Moinuddin, the Vice-president of this Union, is that that settlement relates only to the non-supply of trucks during October 1959 and has no relation to the dispute which is the subject matter of the present reference. It will be seen that item 7 of the dispute mentioned in the settlement is identical with item 7 of the disputes mentioned in Ex. M-10(a); and Ex. M-10(a) mentions item No. 7 of the dispute as the one raised under the letter Ex. M-10. There is nothing in the letter Ex. M-10 to show that it had any relation to the period covered by the present reference. On the other hand, it shows that the dispute related only to the non-supply of empties during October 1959. There is nothing in Exs. M-10, M-10(a) and M-11 to show that the Dalmia Cement Workers' Union gave up the claim for the period covered by this reference. What was given up appears to be the dispute arising subsequently in October 1959.

8. That inference is affirmed by the correspondence, Exs. W-1 to W-4 series. In reply to Ex. M-10, the management wrote the letter Ex. W-1 repudiating the statement of the union that the company had not supplied the empties and asserting that the workers were not able to load the trucks due to heavy rains and stagnation of water in their places of work during the month of October 1959. In reply to Ex. W-1, the union wrote the letter Ex. W-2 dated 10th December 1959 stating that the repudiation by the management of the complaint that they had not supplied the empties to the workers in the month of October is not correct. Ex. W-3 is the reply of the company to Ex. W-2. These letters clarify what was the dispute referred to by the union in their letters Exs. M-10 and M-10(a), namely

that it related to October 1959, the union contending that the management defaulted to supply trucks and the management asserting that there was no default in the supply of trucks, but that the work was affected by rains and stagnation of water. I do not, therefore, agree with the contention that the Dalmia Cement Workers' Union gave up the claim for the period, which is the subject matter of the reference. On the other hand, we find that on the same date as Ex. M-10(a), namely 23rd November 1959, the union addressed the letter Ex. W-4 to the Government of India pursuing this claim and complaining of the omission to refer this dispute to the Industrial Tribunal on the joint application Ex. M-9 and praying for a reference of the present dispute. In their reply dated 4th December 1959, the Government of India gave reasons why they omitted to refer this dispute to the Industrial Tribunal, one of which is that proceedings were pending under the Payment of Wages Act. There was further correspondence, as a result of which those proceedings were withdrawn as per Memo Ex. M-6(a) in August 1960, and thereupon the present reference was made in November 1960. I am therefore unable to accept the contention that the Dalmia Cement Workers' Union gave up the present dispute under the settlement Ex. M-11.

9. Now coming to the other union, namely, Dalmia Mines Workers Union, it made 7 demands on the management by its letter dated 23rd January 1958, and there were conciliation proceedings before the Regional Labour Commissioner. His minutes of the discussion is Ex. M-12 dated 2nd May 1958. Demand No. 2 relates to the present dispute. It shows that the discussion covered the period from 16th October 1957 till the end of February 1958. The union contended that during that period the earnings of the workers were less and therefore demanded that the difference should be made good by the management to about 300 workers affected by the non-supply of trucks. The management contended that the fall in the earnings of the workers was due to their own improper working and not to the non-supply of trucks by the management. There was a settlement Ex. M-13 between the management and this union on 15th May 1958. Under that settlement, many other demands were settled, and in regard to this demand and other demands not covered by the settlement, the union withdrew the demands. Having regard to the discussion as appears in Ex. M-12 and the terms of the settlement under Ex. M-13, it would follow that this union gave up the claim for the period from October 1957 to February 1958. In fact, during this hearing, the representatives of this union admitted that under Ex. M-13 the claim upto the end of January 1958 was given up. And so, so far as this union is concerned, the claim outstanding after the settlement Ex. M-13 was for the period from February 1958 to February 1959. In regard to the claim from February 1958, this union gave the notice Ex. M-14 dated 19th July 1958 demanding payment of the difference on account of the non-supply of trucks. In the conciliation Ex. M-15 before the Regional Labour Commissioner, this union demanded payment of advance to the workers represented by it for the period from February 1958 onwards, in accordance with the agreement Ex. M-8 entered into by the other union. Thus, this union was keeping alive this dispute and making demands in respect of the period from February 1958 onwards.

10. On 23rd November 1959, this union addressed the letter Ex. M-16 to the management complaining about the engagement of contractors in the regular mining operations for supplying stones to the factory, a work relating to regular production of a permanent nature. It was also pointed out that the Company was engaging as many as 250 workers in all the quarries for such purpose at the expense of the regular workers who were not properly supplied with the trucks and who were deprived of their usual quotas, and so the regular and permanent workers were put to heavy loss due to irregular supply of trucks. A perusal of that letter shows that it related to the engagement of contractors for regular mining operations about the time of November 1959, and not the earlier period. The complaint was that by reason of such contract system and also by the non-supply of trucks the permanent employees of the mining operations were affected. It is difficult to see how that letter can have any relation to the dispute in regard to the period covered by this reference. In regard to that complaint, there was a settlement Ex. M-17 dated 10th March 1960, of the same date as Ex. M-11 entered into by the other union. Under that settlement (Ex. M-17) the Dalmia Mines Workers Union agreed not to press the matter as the trucks supply position had now improved. Sri Doraiswami for the management relies upon this clause of the settlement as amounting to giving up by this union of the claim even for the period which is the subject matter of this reference. As stated above, it is difficult to read the complaint Ex. M-16 as having any relation to the present dispute; and so, what was giving up under the agreement can have no relation to it. There is very little in Exs. M-16 and M-17 to warrant the contention that the Dalmia

Mines Workers' Union has given up the claim for the period from February 1958 to February 1959.

11. In this connection, the question arises whether the agreement Ex. M-13 of May 1958 is binding on the members of the Cement Workers Union, that is to say whether the mine-workers Union which entered into that agreement represented a large majority of mine-workers and whether that agreement is a fair and *bona fide* settlement so as to be binding on all the workers. The management's statements Exs. M-34 series would seem to show that at the end of March 1958, the membership of the Mines Workers Union was 445 while that of the other union was 239. But that is a statement only of the members who had actually paid their subscriptions for the whole financial year by the 31st March, and does not therefore give us the total membership of the Unions in May 1958. The statement Ex. W-7 prepared from the registers of the Cement Workers' Union shows that in May 1958, the membership was 477, while the corresponding figure for the other union is not made available. There is therefore no proof that the agreement Ex. M-13 was a *bona fide* one entered into by a union having a large majority of workers and as such binding on all the workers.

12. *Issues (a) and (b).*—Now dealing with the dispute on the merits, the complaint of the workers as set out in their claim statement is this: During this period, that is, October 1957 to 15th February 1959, usual and regular work was not given to the workers, and they were not allowed to work or were unable to work and earn their minimum wages because of the failure of the management to supply the necessary trucks to remove the quarried lime stones, as a result of which the workers had to stack the stones at the workspot; and on account of the failure of the management to remove the stacked materials, additional space was not available to the workers, and so they were not able to work further and turn out the average workload and earn their minimum average wages; and therefore the management should be directed to pay the workers the difference between their normal basic wages and dearness allowance and the actual wages earned by them during that period. It will be seen that the claim statement is lacking in particulars as to the workers who have not been paid fully or the extent to which they were under-paid or during what months there was default on the part of the management and the nature of such default. The management in its counter has alleged that if there was any shortfall in the earnings of any of the workers, it was due to their own default and not due to non-supply of trucks or not providing work for the workers; and in fact, several workers during the said period have earned not only their normal wages but also fifty per cent extra for additional work turned out by them.

13. As stated above, this dispute is raised on behalf of the unskilled workers in the quarries, where the raw material for the factory, that is the lime stones, are blasted, broken, and transported by trucks to the factory for being converted into cement. The company had five quarries in Dalmiapuram, of which during the year 1958, quarries Nos. 1 and 3 were closed, so that the remaining three quarries namely, Nos. 2 and 4 and Vadugapet quarries alone are now working. During the period covered by this reference, there was only hand-drilling in all the quarries, with machine-drilling for fifty pairs in Quarry No. 2. The hand-drilling is a process to be done by a pair of workers, one holding the jumper and the other beating it with a hammer; and the same pair has to charge the pits and have the stones blasted and then break the stones and load them in trucks; and so the entire process of boring the holes, blasting the stones, breaking them, and loading them in trucks is all done by the same pair; the pair that attends to hand-drilling are mine-workers. The machine drilling is operated by a single worker, but he is not a mine worker. The blasting is done by a different set of workers called shot-firers. After the blasting, the mine workers have to break the stones and load them in trucks.

14. As early as November 1951, there was an agreement Ex. M-23 between the parties, under which for hand-drilling, a workload of 1½ trucks per day was fixed per pair, and so, for 26 days, the monthly workload will be 39 trucks. That holds good even to-day. That also fixed the workload for machine drilling, but that has been revised by the agreement Ex. M-3 dated 20th February 1956, under which the workload for the machine-drilling was fixed at 62 trucks for breaking per head per month and 62 trucks for loading per head per month. In the case of both the processes of drilling, the basic wage fixed was Rs. 26, which was increased to Rs. 3, per month with effect from 1st January 1957 under the agreement Ex. M-24. But the worker should reach his prescribed workload before he could earn his minimum basic wages. If the out-turn is less than the prescribed workload, his basic earnings will stand proportionately reduced; but if his out-turn is more, he

will earn more wages calculated according to the agreement. Thus, it will be seen that so far as the workload and the wages are concerned, the parties are governed by the agreements Exs. M-3, M-23, and M-24.

15. In addition to these, there are other agreements determining some of the other conditions of service of these mine-workers. There was an award Ex. M-18 of the year 1951, by which the management has to pay 2/3rds of the basic wages with full dearness allowance to workers who have been called in for work but not given work due to causes not attributable to the workers. This was confirmed by the agreement Ex. M-19 of August 1952 which provided *inter alia*: (1) where a piece-rated worker is called for work and there is no work, the worker may be given alternative employment, and if the worker declines to take alternative employment, he will lose his wages but if the worker accepts such employment, he will be paid the rate applicable to that job; (2) if the worker is not given alternative employment, he shall be paid a compensatory allowance of two-thirds of his wages and the dearness allowance; and (3) if there is only partial work due to no fault of his, the worker shall be paid either two-thirds of the minimum wages or the rate applicable for the work done, whichever is higher.

16. Though these agreements have been in operation for some years now, there has been no end to the disputes arising out of their implementation. The present dispute is not a new one, but an oft-recurring one bedevilling the industrial relationship for a long number of years. Since as early as 1955, the union has been complaining that the earnings of these workers have been low and attributing the same to the inadequate supply of trucks by the management, whereas the management has been repeatedly pointing out that the workers were not working properly and deliberately delaying the loading of the wagons, and so on. With a view to find some solution for this recurring controversy, the Cement Workers Union and the management entered into an agreement, Ex. M-2 dated 24th November 1955, providing that the management will arrange for the loading of broken stones stacked by the workers which could not be loaded by them if it is due to the non-availability of trucks, by engaging temporary workers during nights, and the workers to whom the stack belongs will be paid wages at the usual rate for the number of trucks so loaded by the temporary workers. It will thus be seen that if the management defaults to supply adequate number of trucks for the day, the workers are freed from the obligation to load the broken stones into the trucks, but have only to stack them at the workspot, and the management will have to make arrangements to have them removed at nights by temporary workers, in which case the workers will get the advantage of their full wages being paid for the stones so removed. This covenant was in force during the period covered by this reference. Embodying this and other terms, a fresh agreement was entered between the parties, Ex. M-21 on 7th February 1959, to take effect from 16th February 1959, that is subsequent to the period now in dispute.

17. The main question that falls for determination in this reference is whether during the disputed period there was any default, such as non-supply of trucks or stones etc., for no justifiable reasons, and whether such default affected the earnings of these mine workers during those months or whether the shortfall in their earnings was due to any default on the part of the workers themselves. It may be mentioned that for this period, full dearness allowance has been paid and the dispute is about the basic wages. It is not the contention of the unions that during the disputed period all the workers have suffered loss of wages. On the other hand, we find that above fifty per cent of the workers have earned their normal wages and some had earned even extra wages. We also find that for the month of October 1957, there were applications filed under the Payment of Wages Act only by 270 of these workers, as shown by Exs. M-6 and M-6(a), and no more. That shows that even during the worst months of this period all the mine workers were not affected, and so we have to find out the individual workers who have suffered loss of wages during the disputed period, and ascertain whether such loss was due to any unjustifiable default on the part of the management. I may state at once that the unions have not placed any evidence or materials on which such an investigation could be undertaken. They have merely adduced evidence to prove that during the disputed period there were defaults on the part of the management in the supply of trucks and raw materials, and so on. But no attempt has been made to elucidate the more difficult question as to the particular workers who were affected by such default and to whom alone any relief could be given.

18. The management has filed into court a statement Ex. M-25 purporting to be based upon their records, giving particulars for each individual worker in the mines, during each month of the reference period, of the number of trucks loaded less, and the reasons for the less work. It will be seen from that statement that

almost every month, many workers had not reached their workload. In that statement, the management has furnished the reasons for less work, such as illegal strike, loco picketting, heavy rains, no stacking of stones, refusal to load, go-slow tactics, blasting trouble, leaving the workspot before duty hours, and so on. That is to say, the entire default resulting in the shortfall of earnings was of the workers themselves, and not of the management at all. In support of such reasons, the management has produced their records, marked as Exs. M-28 series, M-29 series, and M-33 series.

19. I have examined that mass of materials, and I am convinced that there is considerable truth in the contentions of the management. Even a cursory perusal of those records will reveal that the period covered by this reference was a most troublesome and unhappy period in the history of this industry. Till the year 1957, these workers were represented by one union called the Cement Workers' Union, and during that year another union called the Mines Workers' union was organised, leading to the emergence of bitter rivalry between the two unions in their race to gain strength and popularity among the workers. That open hostility reached a climax in October 1957, when there were strikes, manifestations of violence, obstruction, and clashes between the workers of the rival unions, and consequent paralysis of all normal work in the quarries. Those regrettable developments did not pass off but persisted practically during all the months of the reference period. The management was compelled to seek police aid on several occasions during this period with a view to put down the unruly and riotous behaviour on the part of the workers and to clear the obstruction to the blasting operations and movement of trucks both by the workers and the villagers. There were arrests of workers on many occasions and several criminal prosecutions against them in addition to security proceedings. All these are vividly described by the Sub Inspector of Police who was then at Dalmiapuram and examined as M.W-2. He was in Dalmiapuram from the first quarter of 1957 till the last quarter of 1958, the major part of the disputed period. His evidence shows that there were frequent troubles in the quarries, both within and without, and there were clashes between the rival unions, and some of the villagers and the workers were obstructing the blasting operations in the quarries. Very often he used to take a police party to give protection to the blasting operations. In November 1957, the Cement Workers' Union wrote a letter (Ex. M-30) to him, complaining that the members of that union were assaulted and asking for protection. The Sub-Inspector has also spoken to the obstruction to the movement of trucks on rails and the several prosecutions that took place in October, November and December 1957. He has also spoken to the security proceedings against some of the workers in the year 1958. Those records are filed as Exs. M-31 series. The Sub-Inspector has also given evidence about the petty cases and prosecutions during the months of January to May 1958. According to his evidence, from October 1957 to May 1958, the work in the mines was not peaceful, because there were obstructions to the blasting and fighting among the two rival unions. Till May 1958, he had gone to the quarries on several occasions to give protection to the blasting operations. According to him, this trouble continued in one quarry or the other till he left the place in October or November 1958. In fact, his evidence was that from January 1958 till he left the place, he had to take the police party for giving protection to the blasting operations. He also deposed that during the period from January 1958 to December 1958, for days together and on number of occasions, he had gone to the quarry on the complaints of the management. There are utterly no reasons why the evidence of the Sub-Inspector should not be accepted. On the other hand his evidence is only confirmed by the records filed in this case. That evidence shows that owing to bitter rivalry between the unions, there was no peace in the quarries and the working conditions were most disturbed, for which the management was in no way responsible. The disturbed conditions in the mines during this period could not have permitted the normal working so as to enable the workers to earn their minimum wages, and must have largely contributed to the short earnings during that period.

20. The records of the company, namely, the daily reports of the mines supervisor to the mines manager, Exs. M-29 series, as also the records Ex. M-28 series, relating to the conditions in the mines during this period reveal the same picture. For October 1957, Ex. M-4 shows that the workers of the Mines Workers Union indulged in the prevention of blasting and quarrying operations till 15th October, for which they expressed regret. Exs. M-28 series and Exs. 29 series are enough to show that during October 1957, the shot-firers refused to load the holes and set fire; several workers refused to quit the quarry and thereby obstructed the blasting operations; several other caused obstruction to the movement of trucks; charges were framed against many quarry workers for refusal to work and for

indulging in riotous and disorderly behaviour; some workers refused to load the trucks, and so on. In November 1957, from the same document Exs. M-28 series and Exs. M-29 series, we find that charges were framed against some of the workers for leaving the workspot without loading the trucks allotted to them; that charges were framed against some of the workers of Vadugapet Quarry for refusal to work; that some workers were chargesheefed for unruly behaviour and for assaulting the quarry supervisor. We also find from Exs. M-29 series that in November 1957, workers of Quarry No. 2 had not loaded the trucks properly; that some shot-firers refused to load the holes; that workers refused to load, and the workers of Vadugapet Quarry refused to work; that the workers of Quarry No. 2 had gone away at 5 p.m. before the shift hours. Similarly for December 1957, from Exs. M-28 series and Exs. M-29 series we find that charges were framed against some workers for refusal to load on some days; that shot-firers refused to work; that owing to heavy rains there was no supply of stones and the workers were given lay-off.

21. For January 1958, we find the same tale from Exs. M-28 series and Exs. M-29 series; that some workers forcibly pushed the trucks not allotted to them and loaded them; that workers of Quarry No. 4 failed to keep sufficient loose stones and were not able to load the trucks; that some workers left the quarry without permission and charges were framed against them; that some did not load and some refused to load. The same story repeated itself in February 1958. Exs. M-28 series and Exs. M-29 series show that some workers refused to discharge their normal duties and left the workspot by 5 p.m. and charges were framed against them; that several workers refused to load the trucks on several days and charges were framed against them; that several workers refused to work though work was given; that some workers refused to clear out of the quarry premises at the time of the blasting; that on some days, the shot-firers refused to charge the blasting holes, that the workers of the Cement Workers' Union went on strike on 5/2, 6/2 and 11/2. So also Exs. M-29 series show that during this month the management sought the police aid to conduct the blasting operations in Quarry No. 2; the loading was poor; some workers did not come to the workspot and did not load for so many days; there was obstruction to blasting; several workers refused to set fire to the holes, several workers of Vadugapet Quarry refused to load the wagons; some workers had no stock of stones to load; several workers had not loaded the trucks from 6/2 to 28/2, and so on.

22. March 1958 appears to be the best month of the disputed period. The earnings of the workers were satisfactory, and the workers affected were considerably less. And so, the management replied to the Cement Workers' Union that for this month the workers had completed the work load and earned full wages and many had exceeded the workload and earned extra wages and that only those workers who had not kept stacked stones that earned less. Even during this month the management had to complain that some workers failed to load the trucks allotted to them, and that few workers left the workspot without permission. Exs. M-29 series show that during this month, the workers of the Mines Workers Union did not turn up for work on 17th and 18th; that several workers did not load the trucks; that the workers of Quarry No. 2 were not coming in time; that the shot-firers refused to set fire to the charged holes; that workers of some union had not come for duty from 1/3 to 5/3.

23. For April 1958, we gather from Exs. M-28 series and M-29 series that many workers left the workspot by 5 p.m. without loading the trucks and charges were framed against them; some workers failed to load the trucks which were allotted to them; security proceedings were taken against several workers on the ground of violence; and some workers refused to load the trucks.

24. For May 1958 also, we find from Exs. M-28 series and M-29 series that some workers absented themselves during shift hours; some forcibly loaded trucks not allotted to them; several workers left the quarry by 10 a.m. or 3 p.m. without permission; blasting was delayed owing to obstruction; many workers in Quarry No. 1 had not loaded the trucks for 3 or 4 days; and some workers did not load the trucks.

25. For June 1958, Exs. M-28 series show that some workers left the workspot by 5 p.m. without permission and without completing the work load; the workers of the Mines Workers Union were creating trouble by obstructing blasting operations; some workers had not loaded any trucks from 1-4-58 to 23-6-58. It appears from Exs. M-29 series that there was no blasting, or blasting was delayed, owing to obstruction; trucks were not loaded satisfactorily and the workers had no stones for loading; and the shot-firers had not loaded nor set fire to the holes.

26. For July 1958, this is what we find from Exs. M-28 series and M-29 series: Several workers refused to load the trucks allotted to them; several workers did not load the trucks fully and properly; some workers left the premises by 5 p.m.; some workers of Quarry No. 3 entered Quarry No. 1 and prevented those workers from doing their work; several workers refused to load the trucks; on 16/7, the B shift workers of Quarry No. 2 did not turn up for duty; on 7th and 10th, no worker of Vedugapet quarry had reported for duty; several workers had not loaded the trucks and refused to load; blasting could not be carried on owing to obstruction by the villagers and workers.

27. For August 1958, we find from those documents that the trouble from the villagers and workers became more acute as they obstructed the blasting operations with the result that the work in all the quarries was paralysed. Obstruction became most determined on the 26th, when one worker Asirvatham played the part of a mock-hero. He feigned death as if he had been mortally injured during the blasting operations, and so the police had to arrest the Mines Manager, while as a matter of fact he had not received any injury at all. We also find from these records that several workers refused to load the trucks and did not load them properly and to the full capacity, but left the workspot even at 4-30 p.m. and some before 10 a.m.; and that workers refused to work.

28. In September 1958, the intervention of the District Collector became necessary to ensure peace in the working conditions of the mines, and he brought about an agreement dated 10-9-1958, which declared that there will be no more satyagraha and that there will be absolute peace in the area. In spite of that solemn declaration, we find from Exs. M-28 series and M-29 series that even during this month, the management was complaining that trucks were not being loaded properly, that some workers refused to fire the charged holes in Quarry No. 2 and that several workers refused to load, and so on.

29. For October 1958, we find from the same records that the management had to complain that some of the workers of Quarry No. 4 did not report to duty on the 18th but indulged in unruly and riotous behaviour; that on the 28th, some workers of Vedugapet quarry took forcible possession of empty trucks and loaded them, behaving in an unruly and riotous manner; and on 27/10, many workers left the workspot at 5 p.m., and so on.

30. For November 1958, the complaint of the management was that some workers were not loading the trucks properly but left hollows inside, and so many workers were charged and warned for improper loading. From the same documents we find for December 1958, that the complaint of the management was that on 29/12, many workers of the Vadugapet quarry were chargesheeted for striking work and trespassing into quarry No. 4, where they obstructed the drilling operations, for which they were arrested by the police; some workers of quarry Nos. 1, 2 and 4 were chargesheeted for obstructing drilling operations on the 12th, 15th and 16th; and on 24/12, the management had to complain to the police that the obstruction had not ceased; some workers of Quarry No. 2 were chargesheeted for riotous and disorderly behaviour and creating a great commotion and thereby disturbing the peaceful working of the quarry. Exs. 29 series show that for December 1958, the workers of Vadugapet quarry went away without working and several workers did not turn up for work and that the workers obstructed the drilling operations on several days and the police had to come and arrest them.

31. For January and February 1959, we find from Exs. M-28 series and M-29 series that on 17/1, some quarry workers trespassed in quarry No. 4 and indulged in riotous and disorderly behaviour and obstructed the drilling operations, for which they were arrested by the police; the same thing happened on 19/1 to 22/1; and all these obstructions were directed against the introduction of drilling machines, which was apprehended to lead to retrenchment. There was a strike on 23/1, and the workers of Vadugapet quarry joined that strike.

32. There are no reasons to minimise the importance to be given to the Company's records such as Exs. M-28 series and M-29 series, particularly Exs. M-29 series, which are daily reports sent by the mines supervisor to the mines manager in regard to the working of the mines. I accept these records as presenting a true picture of the disturbed conditions in the mines during the period in dispute. During almost every month covered by this period, there was continual trouble in the working of the quarries mainly on account of the hostility between the rival unions. There were endless obstructions to the normal working in the mines to the movement of trucks, and particularly to the blasting operations, in addition to the workers default in the loading of trucks and leaving the workspot even during shift hours. In that trouble and tense atmosphere, for which the

management was not responsible, it would have been hardly possible for the normal working to proceed; and so, if there had been any shortfall in the earnings of the workers during this period, that was largely due to those unfortunate circumstances.

33. But this is not to say that there was no default at all on the part of the management during this period. The main complaint against them is that on several days during every month of this period they could, not supply all the workers with the requisite number of empty trucks for loading stones. The evidence of the Mines Manager was that during the disputed period their crusher did not work only for ten days, and only during those days they were not in a position to supply trucks, and that except for those ten days there were no difficulty in the supply position. This is far from truth as it would appear from the company's records themselves. We find from Exs. M-29 series that on many days in May, June, and July 1958, trucks were not supplied to several workers. We also find from the Loco Log Book Exs. M-33 series that there was no supply of trucks on many days during almost every month of the period in dispute. Of course, such non-supply on those days related only to some workers, and not all. Further, during this period, the Cement Workers Union addressed letters, Exs. W-5 series, to the Company complaining about various default on the part of the management, such as: (1) that trucks were not supplied or insufficiently supplied, (2) that gun powder was not supplied, (3) that workspot was not shown to some of the workers, and (4) that there was no blasting. Complaints 2 and 3 are minor and must have been remedied then and there. As regards complaint No. 4 relating to blasting, we already saw that it was due to shot firers refusing to do their work and mostly because of the obstruction caused by the workers as well as the villagers. And so, the main complain against the management is the non-supply or inadequate supply of trucks. As already stated, the records of the management themselves show that during all the months of the disputed period, on many days every month, there was that default on the part of the management. It is not creditable that the management should place itself in a position of default, as it is its elementary duty to provide all facilities to enable the workers to reach the apogee of production.

34. Even so, it will be seen that the agreements already referred to provide the necessary remedy. We saw that the agreement Ex. M-2 of the year 1955 enabled the workers to stack their stones and claim full wages if they are not supplied with sufficient number of trucks, in which case it becomes the duty of the management to clear the stones by engaging temporary workers at nights. In this case, there is no satisfactory proof, apart from the oral evidence of three of the workers examined as W.Ws. 1, 2 and 3 that on the days on which there was default on the part of the management in the supply of trucks, they had stacked their workload of stones. It would be impossible for any worker to speak at present, even in his own case, on what days during the disputed period there was default of supply of trucks and whether on those days he had stacked the stones. That may be proved only by the records of the company, and there were no such records placed in evidence. And so, the non-supply of trucks by the management would not really affect the workers provided they performed their part of the agreement by stacking the stones. There is no proof that the workers had stacked their stones on the days on which trucks were not supplied to them. It was however contended that the stones stacked by the workers were removed by the management as per the terms of the agreement, only for two months in 1957 and not thereafter, and therefore for want of space, it was not possible to carry on their operations. It will be seen that none of the letters Exs. W-5 series was there any complaint that for want of trucks the workers stacked the stones or that the stacked stones were not removed by the management or that for default of such removal, the workers did not have sufficient space to work.

35. Moreover, for machine drilling, the workload is 62 trucks per month, and there is no daily workload fixed to compel the management to supply certain number of trucks daily, and the default of supply of trucks on a particular day may not at once throw on them the obligation to pay full wages for that day. That does not of course mean that the management can place at the disposal of the workers all the 62 trucks on the last of the month, in which case it would be impossible to load them. There should be mutual co-operation and accommodation on both sides. As far as possible, the total number of trucks to be supplied should be evenly distributed over the whole month. But there should be no imposition of penalty for additional liability on the management merely because on a few days there is no supply or adequate supply of trucks. It is true that in hand-drilling the workload is one hand half trucks per day. Even there, it is not possible to supply half a truck and it may be more sensible to treat that also as a monthly workload of 39 trucks at least for the supply of trucks though

not for the calculation of wages. It may also be mentioned that the default in the supply of trucks could not have been motivated by any sinister purpose, to cause loss to the workers or to teach them a lesson. At any rate, I have no material on which I could form that belief. During this period, the management had 250 trucks in running condition. The evidence of the Mines Manager is that the number of trucks required per day would be on an average about 500 trucks. But he stated that a truck can make three or four trips per shift, and that if a truck makes even one trip a shift, 250 trucks can meet the demand of 500 trucks. The difficulty does not seem to be in the complement of trucks, rather it lies in their movement, that is to say, the workers should make it a point to load the trucks within the stipulated time, that is one and a half hours, and at the other end the trucks should be unloaded and sent back with all despatch. If the movement of trucks is checkmated by unavoidable circumstances or justifiable causes, the management may not be held—answerable. We find from the records that the non-supply of trucks on some occasions was due to the breakdown of the crusher and on some days derailment, and so on. However, I am sure the management will pay special attention to this festering problem and see to it that they do not throw themselves open to this accusation any longer. There is also this further difficulty, as indicated above, that even if the management's default in the supply of trucks was for no justifiable causes, there is no evidence, and it is indeed difficult to prove, who were the particular workers who were affected by such default on each of the days of default.

36. For these reasons, I am unable to grant any relief to the workers under these two issues.

37. *Issue No. '6'.*—As already stated, in the case of both types of drilling, the workload and the wages are all fixed under the agreements, Exs. M-2, M-3, M-21 and M-23. The basis of the workload and wages fixed under those agreements will stand, and no grounds exist for altering that basis.

38. In the result, the reference is answered as stated above.

*Camp: Tiruchirappalli.

Sd./- K. RAMASWAMI GOUNDER,
Industrial Tribunal.

[No. 63/9/58-LRII.]

New Delhi, the 14th May 1962

S.O. 1531.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Jeenagora Colliery, Post Office Khas Jeenagora, District Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 74 of 1961

***PARTIES:**

Employers in relation to the New Jeenagora Colliery

AND

their workmen.

PRESENT:

Shri Sallm M. Merchant, Presiding Officer.

Camp: Bombay, dated the 4th May 1962.

*STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 2/193/61-LRII, dated 10th October 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer the industrial dispute between

the parties abovenamed in respect of the subject matters specified in the following schedule to the said order for adjudication to me:—

SCHEDULE

‘Whether the transfer of Shri Ramchandra Singh from New Jeenagora Colliery, P.O. Khas Jeenagora, District Dhanbad of M/s. New Jeenagora Coal Co. Ltd., to Samla Banjore Colliery in West Bengal is justified? If not to what relief is he entitled?’

2. After this reference was made, the written statement on behalf of the employers was received on 31st October 1961 and the workmen filed their written statement of claim on 13th November 1961 in which it was stated that a settlement had been reached with the employers in this dispute. Notices were thereafter issued fixing the dispute for hearing when parties were asked to file the terms of settlement reached between them. Thereafter the parties filed a joint application dated 6th November 1961 recording the terms of settlement and praying that an award be made in terms thereof. A copy of the joint application of the parties is annexed hereto and marked annexure ‘A’. Under the terms of settlement the order of transfer against Shri Ramchandra Singh has been cancelled and he has been allowed to continue to work in the Jeenagora Colliery and has been paid lay-off compensation for the period of his involuntary unemployment.

3. As the terms of settlement appear to be fair and reasonable I accept them and make an award in terms of annexure ‘A’ which shall form part of this award.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE ‘A’

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT TRIBUNAL,
DHANBAD.

In the matter of Industrial Dispute between the employees in relation to New Jeenagora Colliery, P.O. Khas Jeenagora, District Dhanbad.

AND

their workmen.

The parties above-named most respectfully submit as under:—

That the Government of India, Ministry of Labour & Employment vide their Order No. 2/193/61-LRII, dated 10th October 1961 referred the industrial dispute specified in the following schedule for adjudication:—

SCHEDULE

“Whether the transfer of Shri Ramchandra Singh, from New Jeenagora Colliery, P.O. Khas Jeenagora, District Dhanbad of M/s. New Jeenagora Coal Co. Ltd., to Samla Banjore Colliery in West Bengal is justified? If not to what relief is he entitled?”

That without prejudice to the contention of the parties the above reference has been amicably settled between them on the following terms:—

Terms of Settlement

1. It is agreed that the transfer of Shri Ramchandra Singh from New Jeenagora Colliery of M/s. New Jeenagora Coal Co. to Samla Banjore Colliery in West Bengal is cancelled. Shri Ramchandra Singh will continue to work in New Jeenagora Colliery as before.
2. He shall be treated as if on lay off for the period of his involuntary un-employment after the issue of his transfer order, and payment on this account shall be made to him by Saturday, the 18th November, 1961.

3. That the parties will bear their own respective cost of this proceeding.

It is, therefore, humbly prayed that an Award may kindly be passed by this Hon'ble Tribunal on the terms aforesaid. And for this the parties above-named, as in duty bound shall pray.

For workman:

B. P. SINHA,
6-11-61,

Vice-President,
Colliery Mazdoor Sangh.
Sd./- Illegible.

For employers:

K. N. MUKHERJEE,
6-11-61,
Director.

K. S. MUKHERJEE,
6-11-61,
Director.
Sd./- Illegible,
3-5-1962,

DHANBAD;
The 6th November, 1961.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.
[No. 2/193/61-LRII.]

ORDERS

New Delhi, the 10th May 1962

S.O. 1532.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Khas Karanpura Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the transfer of Sarvashri Raghunath Prasad, Michael and 47 other Quarry Pick Miners and Loaders as Overburden Removers on the alleged ground that they had been giving less loads of coal in tubs is justified.

(2) If not, to what relief are the workmen entitled and from what date?

[No. 2/32/62-LRII.]

New Delhi, the 11th May 1962

S.O. 1533.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Mahabir Colliery (Post Office Ranigani), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. Were the services of Shri M. N. Chatterjee transferable, under the terms of the contract with him, from one company to another company without his consent?

2. Did the order transferring Shri M. N. Chatterjee to the Western Kajora Colliery as an overman affect the conditions of Shri M. N. Chatterjee's service?

3. Was the management of the Mahabir Colliery justified in terminating the appointment of Shri M. N. Chatterjee?

4. What relief, if any, is Shri M. N. Chatterjee entitled to?

[No. 2/11/62-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 14th May 1962

S.O. 1534.—In pursuance of sub-regulation (3) of regulation 25 of the Coal Mines Regulations, 1957, the Central Government, on the recommendation of the Court of Enquiry appointed under the notification of the Government of India in the late Ministry of Labour No. S.R.O. 478, dated the 18th February, 1956, hereby suspends the Manager's First Class Certificate of Competency No. 228, dated the 9th May, 1935, held by Shri C. L. Dhawan, 98, Nashville Road C/o Colliery Owners' Association, Dehradun, U.P., for a period of four months with effect from the date of publication of this notification.

[No. 2/2/62-MI.]

A. P. VERRA RAGHAVAN, Under Secy.

MINISTRY OF STEEL MINES & FUEL

New Delhi, the 9th May 1962

S.O. 1535.—In exercise of the powers conferred by sub-section (4) of section 17 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government, after consultation with the Government of the State of Madhya Pradesh hereby declares that no prospecting licence or mining lease shall be granted in respect of any land specified in the Schedule to the notification of the Government of India in the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) S.O. No. 912 dated the 20th March, 1962, and specified in the schedule below:—

SCHEDULE

Sl. No.	P. C. No.	Name of Village	Village No.	District & Tehsil	Area	Remarks
1	2	3	4	5	6	7
1	23	Koreaumri (2)	77	Betul	20.76 Sq. Miles or 13,286.40 Acres	Part
2	23	Chatarpur (3)	228	Betul		Part
3	24	Solia (9)	657	Betul		Part
4	23	Begrona (10)	453	Betul		Part
5	26	Dhaser (11)	86	Betul		Part
6	25	Gogri (12)	183	Betul		Part
7	25	Pathankhera (13)	424	Betul		Full
8	25	Bikampur (14)	496	Betul		Full
			I			

1	2	3	4	5
9	25	Mordingri (15)	<div>566</div> <div>Betul</div>	} Part
10	26	Bakur (18)	<div>476</div> <div>Betul</div>	
11	25	Kolegaon (20)	<div>108</div> <div>Betul</div>	
12		Ranipur R.F.	<div>Reserve Forest</div> <div>Betul</div>	
13		Asir R. F.	<div>„</div> <div>Betul</div>	} Part
TOTAL				
				20 76 Sq. Miles or 13,286 40 Acres (Approximately)

BOUNDARY DESCRIPTION:

A—B Line passes through villages Koreaumri, Chatarpur, Bergrona, along the Eastern boundary of village Begrona, Southern boundary of village Sorapur, left bank of Towa nala, then through Towa nala and then along South Eastern boundary of village Bhamaikhapa and then through Asir R.F.

B—C line passes through Asir R.F. and Ranipur R.F.

C—D line passes through Ranipur R.F. and through villages Patakhora, Mordingri and Bakur.

D—E line passes through village Bakur and along the common boundary of villages Bikrampur and Royabari.

E—F line passes along the Southern boundary of villages Dhaser and Kolegaon.

F—G line passes through villages Kolegaon and Dhaser.

G—H line passes through villages Begrona and Solia.

H—A line passes through villages Solia and Koreaumri.

[No. C2-25(4)/61.]

A. S. GREWAL, Dy. Secy.

New Delhi, the 10th May 1962

S.O. 1536.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. No. 2762, dated the 13th November, 1961 under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification.

And whereas no objection has been filed against the said notification.

And whereas the Central Government after consulting the Government of Madhya Pradesh is satisfied that the land measuring 91.20 acres described in the said Schedule and reproduced in the Schedule below should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 91.20 acres described in the Schedule below are hereby acquired.

The plans of the areas covered by this notification may be inspected in the office of the Collector, Surguja (M.P.) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd., (Revenue Section), "Darbhanga House", Ranchi.

SCHEDULE

Drawing No. Rev/9/62
Dated 20-2-62

BLOCK—'A'

'All Rights'

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Keshwanagar	Jayanagar	83	Surguja	32.20	Part
2	Gorakhnathpur	Jayanagar	82	Surguja	4.90	Part
TOTAL					37.10 Acres	(Approximately)

Plot Nos. to be acquired in village Keshwanagar.

1023(P), 1033(P), 1034(P), 1035 to 1042, 1043(P), 1044(P), 1045(P), 1046, 1047(P), 1048 1049, 1050(P), 1056(P) 1057(P), 1058(P).

Plot Nos. to be acquired in village Gorakhnathpur.

304(P), 389(P), 390(P), 392(P), 402(P), 403(P), 404 and 405.

BOUNDARY DESCRIPTION:

A—B line passes through Plot Nos. 1023, 1033 in village Keshwanagar and through Plot Nos. 304, 389, 390 392, 403, 402 in village Gorakhnathpur.

B—C—D line is the common boundary of villages Satpata and Gorakhnathpur.

D—E line is the common boundary of villages Satpata and Keshwanagar.

E—A line passes through Plot Nos. 1058, 1057, 1056, 1050, 1047, 1045, 1044, 1043, 1034, and 1023.

Drawing No. Rev./9/62
Dated 20-2-62

BLOCK—'B'

'All Rights'

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Siwanandanpur	Jayanagar	81	Surguja	54.10	Part
TOTAL					54.10 Acres.	(Approximately)

Plot Nos. to be acquired in village Siwanandanpur:

94(P), 95(P), 96(P), 97 to 107, 108(P), 119(P), 149(P), 155(P), 171(P), 479, 481, 574(P) 603 and 604.

BOUNDARY DESCRIPTION:

F—G line passes through Plot Nos. 574, 96, 95, 94, 108, 119 and 108.

G—H line passes through Plot Nos. 108, 149, 155 and 171.

H—I line passes along the Northern boundary of Road consisting of Plot Nos. 478 and 482.

I—F line passes along the common boundary of villages Satpata and Siwanandanpur.

[No. C2-22(2)/61.]

P. S. KRISHNAN, Under Secy.

